

REPORT
OF THE
Attorney General
OF THE
STATE OF FLORIDA

From January 1, 1913, to December 31, 1914

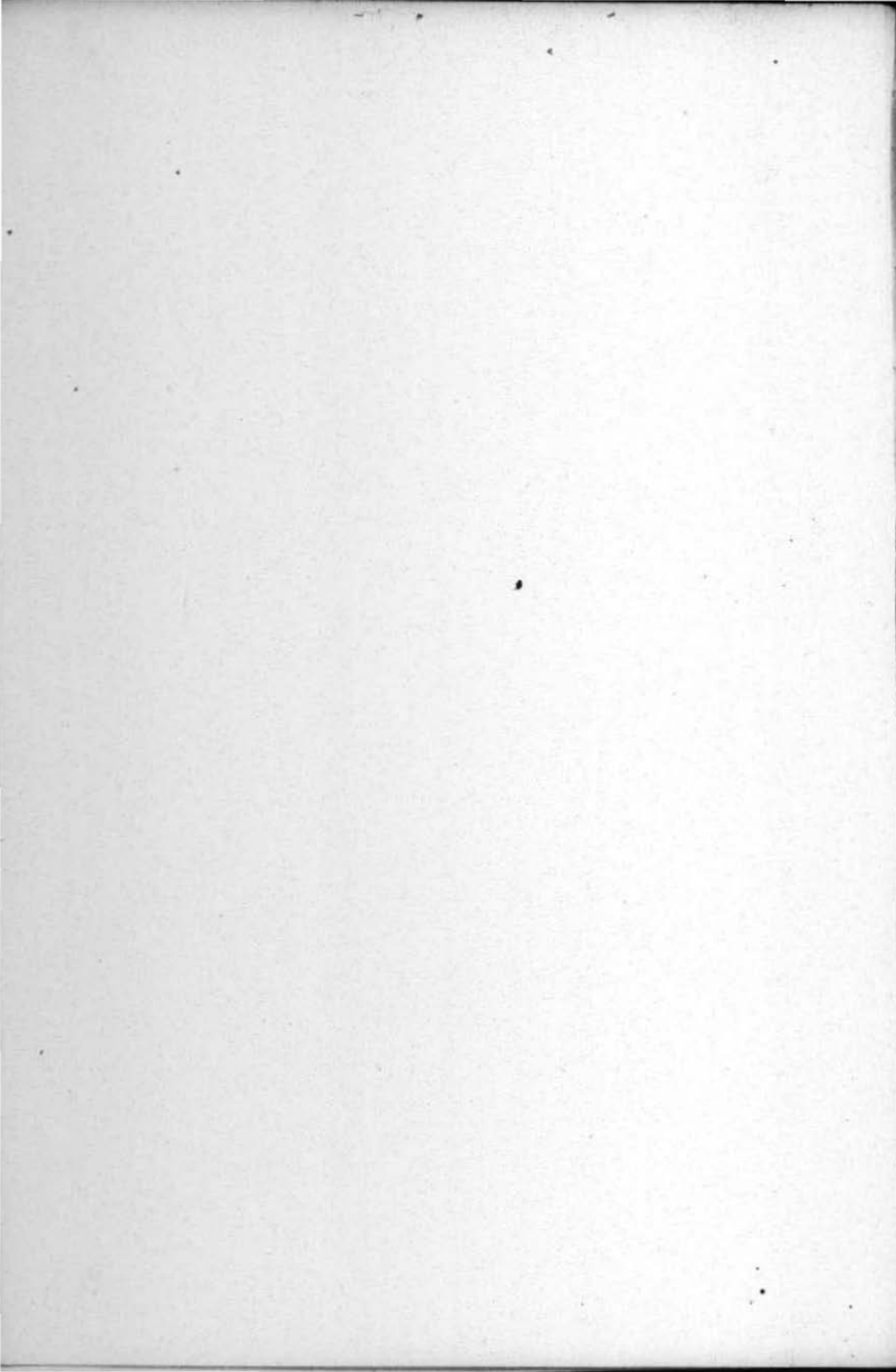
THOMAS F. WEST
Attorney General



TALLAHASSEE, FLORIDA

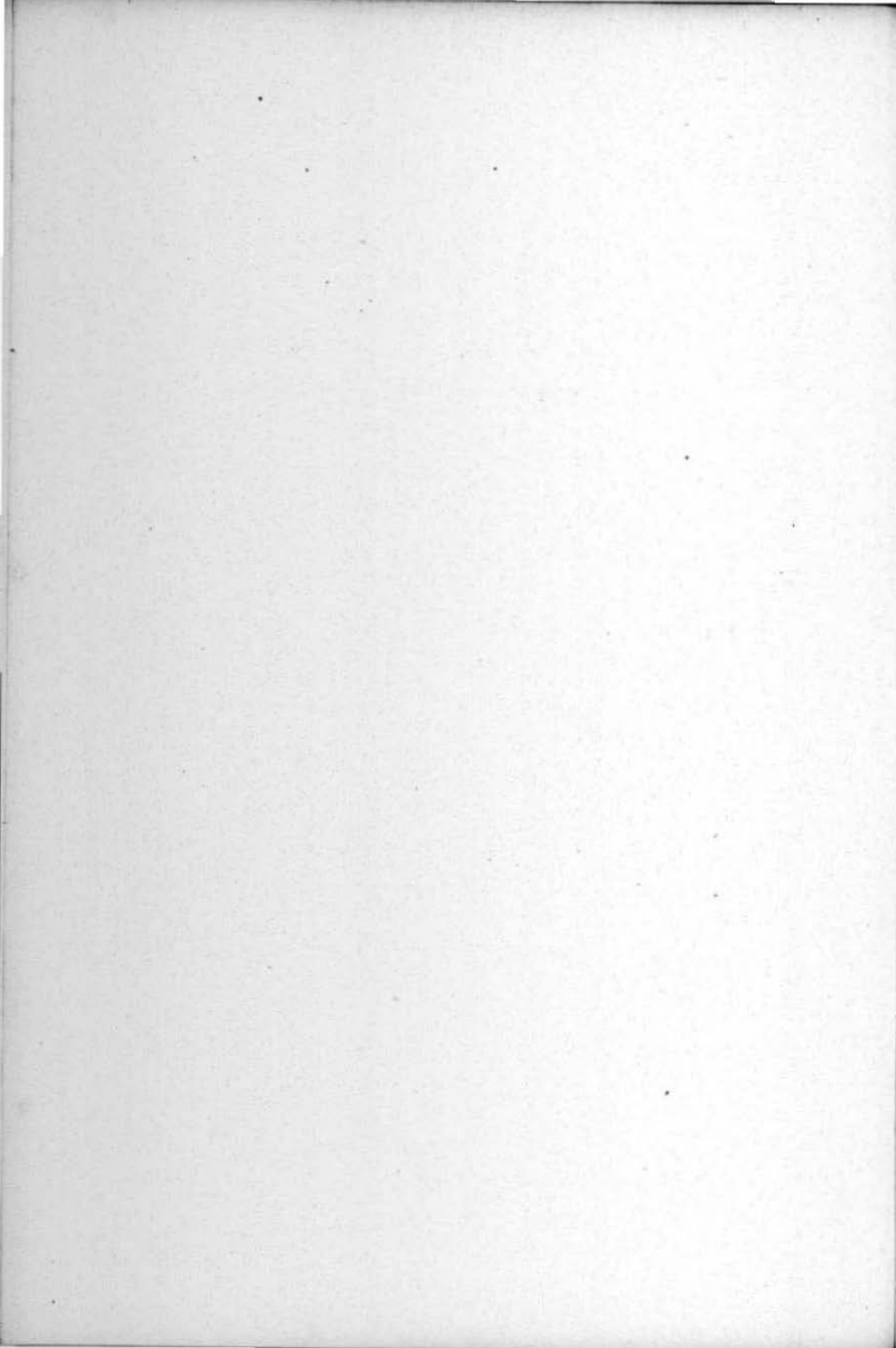
1915





LIST OF THOSE WHO HAVE HELD THE OFFICE
OF ATTORNEY-GENERAL OF FLORIDA.

JOSEPH BRANCH.....	1845-1846
AUGUSTUS E. MAXWELL.....	1846-1848
JAMES T. ARCHER.....	1848-1848
DAVID P. HOGUE.....	1848-1853
MARION D. PAPY.....	1853-1860
JOHN B. GALBRAITH.....	1860-1868
JAS. D. WESTCOTT, JR.....	1868-186--
A. R. MEEK.....	186--18--
SHERMAN CONANT.....	18--1871
J. B. C. DREW.....	1871-1872
H. BISBEE, JR.....	1872-1872
J. B. C. EUNNONS.....	1872-1873
WILLIAM A. COCKE.....	1873-1877
GEORGE P. RANEY I.....	1877-1885
C. M. COOPER.....	1885-1889
WILLIAM B. LAMAR.....	1889-1901
JAMES B. WHITFIELD.....	1901-1904
W. H. ELLIS.....	1904-1909
PARK TRAMMELL.....	1909-1913
T. F. WEST.....	1913—



REPORT OF ATTORNEY GENERAL.

STATE OF FLORIDA

ATTORNEY GENERAL'S OFFICE.

Tallahassee, December 31, 1914.

HONORABLE PARK TRAMMELL,
Governor of Florida.

Sir:

In compliance with the provisions of Section 27 of Article IV of the Constitution of the State of Florida, and agreeably to the established custom of this Department, I have the honor to submit herewith my report as Attorney General of the State, covering the period from January 1st, 1913, to December 31st, 1914, the first two years of my term of office.

GENERAL SCOPE OF DUTIES.

The constitutional duties of the Attorney General are prescribed by Section 22 of Article IV of the Constitution, as follows:

"The Attorney General shall be the legal adviser of the Governor, and of each of the officers of the executive department, and shall perform such other legal duties as may be prescribed by law. He shall be reporter for the Supreme Court."

The duties generally prescribed by statute, are found in Section 89 of the General Statutes, as follows:

"The Attorney General shall reside at the seat of gov-

ernment, and shall keep his office in a room in the capitol; he shall perform the duties prescribed by the Constitution of this State, and also perform such other duties appropriate to his office, as may from time to time be required of him by law, or by resolution of the Legislature; he shall on the written requisition of the Governor, Secretary of State, Treasurer, or Comptroller, give his official opinion and legal advice in writing on any matter touching their official duties; he shall appear in and attend to in behalf of the State, all suits or prosecutions, civil or criminal, or in equity, in which the State may be a party, or in any wise interested, in the Supreme Court of this State; he shall appear in and attend to such suits or prosecutions in any other of the courts of this State, or in any courts of any other State, or of the United State; he shall have and perform all powers and duties incident or usual to such office, and he shall make and keep in his office a record of all his official acts and proceedings, containing copies of all his official opinions, reports and correspondence, and also keep and preserve in his office all official letters and communications to him, and cause a registry and index thereof to be made and kept, all of which official papers and records shall be subject to the inspection of the Governor of the State, and to the disposition of the Legislature by act or resolution thereof."

The Attorney General is given general superintendence and direction over the several State Attorneys of the several Circuits of this State. Each of the State Attorneys now make regular reports to this office, and it is from these reports that the tables appearing herein describing offenders against the criminal laws, and showing the nature of offence for which they are tried, has been compiled.

The Attorney General is also required by numerous statutes to perform other duties, and he is required by common law to exercise certain functions and perform

other duties of great public importance not necessary to be herein enumerated.

During the period covered by this report there has at all times existed between all other officers and Departments of the State government and this office a spirit of friendly co-operation.

SERVICE ON BOARDS.

The Attorney General is made by the Constitution, or by statute, a member of the following Boards: Board of Commissioners of State Institutions, State Board of Education, State Board of Pardons, State Pension Board, Board of Insurance Commissioners, State Canvassing Board. He is a member of the Board of Trustees to erect a monument in honor of the Women of the Southern Confederacy; and is required to act with the Comptroller in passing upon questions arising under the provisions of Chapter 6422, Laws of Florida, commonly called the "Blue Sky Law;" with the Comptroller and Treasurer in passing upon the value of securities deposited by Trust Companies under the provisions of Chapter 6155, Laws of Florida; with the Commissioner of Agriculture in passing upon questions arising under the provisions of Chapter 5662, Laws of Florida, commonly called the "Pure Food and Drugs Act;" with the Comptroller and State Treasurer in the matter of assessing railroad property under Section 46 of Chapter 5596, Laws of Florida. He is also one of the Trustees of the Internal Improvement Fund, and a member of the Board of Commissioners of the Everglades Drainage District.

Of necessity, considerable time is devoted to service on these Boards, each of which performs functions of great public importance.

There is, in my judgment, no peculiar reason why the Attorney General should be a member of all these Boards or Commissions, and I respectfully suggest that greater

efficiency would be secured if he was relieved from service on at least some of them, and was permitted to devote a greater proportion of his time to the State's law business. As the State grows and develops, the number of legal problems to be solved become greater in number and importance, litigated cases necessarily increase and, unfortunately, a large number of criminal cases come to the Supreme Court for review. Inasmuch as it is the duty of the Attorney General, and his duty alone, to look after the State's interest in all such matters, it is imperative that he be permitted to devote more of his time to them than is now possible.

OFFICIAL OPINIONS.

Within the period covered by this report I have, as legal adviser of the administrative officers of the Executive Department of the State government, from time to time, when requested by either of these officers, advised them, and prepared written opinions for them, upon matters touching their official duties. Some of these opinions are incorporated in this report. The number of these official opinions is largely in excess of those for any previous biennial period covered by a report from this office.

In addition to this, although not expressly required by law to do so, but in order to assist, if possible, in a proper interpretation and application of the statutes pertaining to their duties and powers, I have, when requested, prepared written opinions for other State officers, including the Tax Commissioner, Hotel Commissioner, State Labor Inspector, State Board of Control, State Board of Health, State Auditor, and the Board of Managers of the Florida Industrial School for Boys. Some of these opinions are also incorporated in this report.

Besides these written opinions, the Attorney General

is frequently called on, and no small portion of the work of the office consists in consultations with other officers. of which no record is made.

UNOFFICIAL OPINIONS.

This office is not charged with the duty of advison county, municipal and district officers, but as a matter of courtesy to those making inquiry, and with a view to assisting, when possible, to a uniform administration of the laws regulating the conduct and prescribing the powers and duties of such officers, I have, upon requests therefor, written a large number of what may be termed unofficial opinions. A number of these communications, indicating the character and scope of the inquiries, are also incorporated in this report.

Inquiries of this kind are replied to as promptly as time will permit, but the volume of this correspondence is large, and is rapidly increasing. As the force in this office has not been increased in a number of years, the same number doing the work now that was necessary to do it ten years ago, it is not possible to reply to all these letters as promptly as I would like to do and keep up the other work of the office.

FEE BILL.

In compliance with the provisions of Section 1738 of the General Statutes of Florida, there was prepared in this office during the year 1913 Fee Bills for the various officers of the several counties of this State. A sufficient number of copies of these were printed in pamphlet form for distribution and sent to all county officers in the State for their use.

SCHOOL TEXT BOOK CONTRACTS.

In obedience to the direction of Senatè Concurrent Resolution No. 9, adopted during the session of the Legis-

lature of 1913, I proceeded immediately to investigate all existing text book contracts between the text book companies and the several Board of Public Instruction of the counties which had not at that time put into use the uniform series of text books adopted under the provisions of Chapter 6178 of the Laws of Florida. This investigation was concluded and report made to the State Board of Education, which was filed with the Secretary of the Board on the 29th day of July, A. D. 1913.

INVESTMENT OF SCHOOL FUNDS.

During the early part of the period covered by this report certain bonds in which the funds of the State School Fund in a large amount were invested, matured and were paid.

The State Board of Education, upon the collection of this money, thought it advisable to invest it in bonds issued in this State by Special Tax School Districts, municipalities and counties, and thus give to the people of the State the advantage that might accrue from retaining the money within the State.

In pursuance of this policy the State Board of Education has made bids on bond issues of a number of Special Tax School Districts, Municipalities and Counties, and has purchased several of such issues. Before such bonds are purchased, however, this office is required to pass upon the question of their validity, and inasmuch as the fund invested is the State school fund, I have regarded it as proper that careful consideration be given to the important legal questions which are often involved, and where doubt exists of the validity of an obligation I have resolved the doubt in favor of the fund and declined to approve the validity of the issue. Considerable time is necessarily consumed in the consideration of these matters, because the transcripts of the record of the proceed-

ings leading up to the issuance of the bonds are frequently voluminous.

In passing upon these bond issues only the question of the validity of the bonds is considered, the question of the security back of the respective bonds, and all other questions necessary to be considered in the purchase of such bonds being passed upon by the Board making the purchase.

PUBLISHING ACTS AND RESOLUTIONS OF THE LEGISLATURE.

The Acts and Resolutions of the Legislature, regular session of 1913, were published with marginal abstracts, as required by law, under the direction of this office.

The number of Acts and Resolutions passed and adopted at this session were greater than at any previous session. For convenient use they were published in two volumes, the General Laws being placed in one volume (Volume 1), and the Special Laws in another volume (Volume 2). An index to each volume, and an index to the Journals of each branch of the Legislature was also prepared under the direction of this office, the index to the Journals having been prepared under the provisions of Chapter 6436, Acts of 1913.

REPORTER FOR THE SUPREME COURT.

The Attorney General is, under the provisions of the State Constitution, made the Reporter for the Supreme Court.

In obedience thereto, I have reported during the period covered by this report four volumes of the Florida decisions, namely, 64, 65, 66 and 67. By error, Volume 64 appears on the title page of the published report to have been reported by my predecessor.

The number of opinions in these volumes are as follows: Volume 64, civil, 88 cases, criminal, 27 cases, total 115; Volume 65, civil, 106 cases, criminal, 23 cases, total 129 cases; Volume 66, civil, 123 cases, criminal, 23 cases, total 146; Volume 67, civil, 86 cases, criminal, 13 cases, total 99 cases.

Reporting these opinions requires that each of them be read and prepared for the printer, and that the proof be carefully read, and corrected when necessary. When this is done the opinions are published. A high degree of care must be exercised in this work, accuracy being imperative, since the decisions, when published, in the report, must be a reproduction of the language and punctuation employed by the court.

An index-digest is also prepared and appears as a part of each volume of these reports.

CIVIL CASES.

Elsewhere in this report reference is made to the civil cases to which attention has been given, and, therefore, I do no more than call attention to them here.

The most important of these cases, perhaps, are those of *The Pullman Company vs. The Comptroller*, in the Federal Courts, and *The State vs. Certain Insurance Companies*, in the State Courts, in which the constitutional authority of this State to impose by statute and collect from such companies a gross receipts tax upon business done in Florida was upheld by the United States Supreme Court and the Supreme Court of this State.

As a result of the State's success in these cases there will be collected from these companies more than \$40,000.00; and this tax will also be collected from each of them for each year hereafter.

In another case, the question being raised by habeas

corpus proceedings, the Supreme Court of the State upheld the statute passed by the Legislature of 1913, regulating the sale in this State of stocks and securities of corporations, and commonly called the "Blue Sky Law."

The Primary Election Law of 1913 was also held valid and constitutional by the courts of this State in suits in which this question was involved.

In each of these cases, and in all other litigation which has had the attention of this office, I have looked after the State's interest, and not a dollar of the State funds has been paid out as fees for other counsel to assist in any of such cases during the time covered by this report.

CRIMINAL CASES.

This office represents the State in the Supreme Court of the State in all criminal cases in which the State is a party brought here for hearing or review. These cases number 46 during the year 1913, and 52 during the year 1914. In each of them I have filed a brief on behalf of the State, and oral arguments have been made in a number of them. These cases are also referred to more at length elsewhere in this report.

Respectfully submitted,

T. F. WEST,

Attorney General.

APPROPRIATIONS AND EXPENDITURES.

Appropriations.

For first six months, 1913—

Secretary	\$ 900.00
Clerk	600.00
Incidental expenses	300.00
Purchase of books	125.00

For last six months, 1913—

Assistant	\$1,200.00
Clerk	600.00
Incidental expenses	300.00
Purchase of books	125.00

For the year 1914—

Assistant	2,400.00
Clerk	1,200.00
Incidental expenses	600.00
Purchase of Books	250.00

Expenditures.

Assistant for year 1913-14.....	\$4,500.00
Clerk for years 1913-14.....	2,400.00
Incidental expenses for years 1913-14.....	1,069.95
Purchase of books, 1913-14.....	840.33

STATEMENT OF INCIDENTAL EXPENSES FUND.

Amount brought forward January 1,

1913\$ 945.71

Appropriation for first six months,

1913 300.00

Appropriation for last six mos. 1913 300.00

Appropriations for year 1914.....	600.00	
Total amount in fund.....	\$2,145.71	
Expended during year 1913.....		\$ 469.96
Expended during year 1914.....		599.99
Total amount expended		<u>\$1,069.95</u>
Balance to credit of Fund....	\$1,075.76	

STATEMENT OF APPROPRIATION FOR PURCHASE OF BOOKS.

Amount brought forward January 1, 1913.....	\$ 344.95	
Appropriation for first six months 1913.....	125.00	
Appropriation for last six months 1913.....	125.00	
Appropriation for the year 1914.....	250.00	
Total amount in fund.....	\$ 844.95	
Expended during year 1913.....	\$ 538.85	
Expended during year 1914.....	301.48	
Total amount expended.....	\$ 840.33	
Balance to credit of Fund....	\$ 4.62	

ITEMIZED STATEMENT.

Of Expenditures of Attorney General from Appropriation for Incidental Expenses.

1913.

January	—Oliver typewriter Co., exchange on machines	\$ 55.00
February	—Alex McDougal, Post Master, stamps and envelopes	21.20
	J. F. Hill, stationery.....	2.25
	Dan Allen, freight and drayage.....	.49
	Underwood Typewriter Co., ribbons.	4.50
	Sou. Express Co., exp. on stationery	2.55
	Western Union Telegr. Co., messages	.63

1913.	
March	—Alex McDougall, box rent and stamps 1.14
	W. H. Dowling, serving writs..... 1.90
	T. F. West, trip to Pensacola, case of
	Wailes v. Trustees I. I. Fund..... 14.75
April	—Underwood Typewriter Co., exchange
	on typewriters 48.03
	P. W. Wilson & Co., pins and cloth... .30
	George D. Barnard & Co., loose leaf
	holders 3.47
	T. J. Appleyard, stationery..... 9.50
	Alex McDougal, stamps 8.26
	Western Union, messages 1.94
	W. H. Dowling, sheriff, serving papers 1.90
May	—Western Union, messages..... 13.82
	Alex McDougall, postage 1.00
	Central Law Journal, subscription... 5.00
	E. W. Clark, 6 letter files..... 1.50
	T. J. Appleyard, typewriter paper... 5.20
June	—Western Union Tel. Co., messages.. .64
July	—Alex McDougall, P. M., box rent and
	postage 1.20
	Hardee-Smith Co., paper fasteners... 3.50
	Western Union, messages 2.32
	Yaeger-Bethel Co., door mat, oil, etc. 2.30
	J. F. Hill, stationery..... 1.00
	George D. Barnard & Co., stationery 13.75
	Seaboard Railway Co., freight..... 2.25
August	—Alex McDougall, postage 49.71
	T. J. Appleyard, typewriter paper... 4.00
	Western Union Tel. Co., messages.... 6.97
September	—Alex McDougall, stamped envelopes.. 22.04
	Western Union Tel. Co., messages... 1.24
	Underwood Typewriter Co., 6 ribbons 4.50
	Geo. D. Barnard & Co., stationery... 3.34

1913.

	T. F. West, expenses trip to Huntsville, case of VanDeman v. Rast <i>et al.</i> , as per voucher.....	50.04
October	—Southern Express co., exp. charges..	.58
	Western Union Tel. Co., messages...	1.04
	Alex McDougal, P. M., quarterly box rent	1.00
	Keystone Supply Co., typewriter cushions	2.00
	Southern Supply Co., filing cases and folders	53.10
	T. F. West, expenses trip to Gainesville, case of King Lumber Co. v. Board of Control, as per voucher..	15.44
November	—S. A. L. Ry. Co., freight of filing cases	.50
	J. F. Hill, ink wells and pens.....	2.25
	H. & W. B. Drews Co., pencil pads...	6.00
	Southern Express Co., exp. charges..	.65
	Western Union Tel. Co., messages...	2.40
	Capital City Bank, for T. J. Appleyard	1.00
December	—Alex McDougal, P. M., postage....	3.02
	Dan Allen, drayage on books.....	.50
	Western Union Tel. Co., messages...	7.35

1914.

January	—Alex McDougal, P. M., box rent and stamps	1.02
	Western Union Tel. Co., message....	2.32
	Alex McDougal, P. M., stamps and printed envelopes	75.20
	Southern Fixture & Supply Co., office desk	32.00
February	—Central Law Journal, subscription for 1914	3.00
	Western Union Tel. Co., messages...	5.29

1914.			
		Southern Express Co., exp. charges..	2.38
		Sou. Fixtures & Supply Co., set fold- ers and guides	3.50
		H. & W. B. Drew Co., storage case and folders	15.00
March	—	Bers Bassage, making two Yale keys	1.00
		Lawyers' Leather Case Co., leather portfolio	9.00
		Hughes' Federal Procedure, 1 vol.....	3.75
		Dan Allen, drayage and freight.....	2.26
		T. J. Appleyard, legal cap paper.....	3.50
		Western Union Tel. Co., messages...	2.35
		The Falconier Co., one duplex letter binder	7.65
		J. W. Corbett, 3 large window shades	19.50
		P. G. Ramsey, Sheriff, serving papers	5.30
April	—	Alex McDougall, box rent and postage	1.04
		T. J. Appleyard, 1000 index cards...	1.00
		T. J. Appleyard, binding seven vol- umes Laws of Florida	10.50
		Western Union Tel. Co., messages...	3.78
		Matthew Bender & Co., installment on Cyc. of Evidence	10.00
May	—	Western Union Tel. Co., messages...	2.47
		H. H. Bohler, sign for office door....	3.00
		P. D. English, copy of Arkansas Liquor Law	2.50
		Dan Allen, drayage on books.....	.50
June	—	D. R. Cox Furniture Co., 6 units, top and base, bookcase	20.50
		Western Union Tel. Co., messages...	.66
		Southern Exp. Co., express charges..	1.32
July	—	Alex McDougall; P. M. box rent.....	1.00
		One copy Shepard's Annotations....	12.00
		One year's subscription to same.....	4.00

1914.

	Western Union Tel. Co., messages...	1.14
	Board Public Works City of Tallahassee, one 16-inch elec. fan for office.	22.00
	Repairs on old fan	1.00
	George D. Barnard & Co., 10,000 letter heads	45.00
	Freight charges prepaid on same....	1.25
	T. F. West, Attorney General, expenses of trip to Jacksonville in case of Florida Fire Ins. Co.....	16.30
	P. G. Ramsey, Sheriff, service of process	1.40
	The Falconier Co.—	
	Two letter binders	7.50
	Postage on same	.14
	George D. Barnard & Co., rubber stamps	1.10
	T. F. West, expenses trip to Pensacola in matter of B. C. & St. A. B. Ry. Co.	19.92
August	—T. F. West, Attorney General, expenses trip to Jacksonville in case of Anderson v. Crawford	17.30
	W. H. Dowling, Sheriff, service of notice case Williams v. State.....	.95
	Western Union Tel. Co., messages...	1.77
	The Falconier Co., loose-leaf paper..	3.50
September	—Alex McDougall, P. M., postage stamps	12.08
	Miss Allie Yawn, copy testimony, case of Gaillard v. Lewis	2.00
	Southern Express Co., exp. charges..	.25
	Western Union Tel. Co., messages...	.56
	Central Law Journal Co., subscription	5.00

1914.

	T. F. West, Attorney General, expenses trip to Jacksonville in case of Loomis v. Crawford	15.40
October	—Alex McDougall, P. M., box rent and postage	1.08
	Southern Express Co., exp. charges..	.60
	Underwood Typewriter Co., exchange on typewriter	33.03
	W. W. Clark, Underwood typewriter, second hand	50.00
	C. Jaycocks, Sheriff, service of notice case State v. Rivero	1.60
	T. F. West, Attorney General, expense trip to Milton for Board of Education	14.30
	Western Union Tel. Co., messages...	2.62
November	—W. H. L. Campbell, copy of Opinion, case Livett v. Langston in Oklahoma Supreme Court	3.00
	Western Union Tel. Co., messages...	4.89
	T. F. West, Attorney General, expenses trip to Marianna to investigate fire at Industrial School	18.76
December	—T. J. Appleyard, typewriter paper...	.75
	C. Jaycocks, Sheriff, service of notice in case Alberry v. State.....	1.60
	T. F. West, Attorney General, expenses trip to Hospital for Insane and to Florida Industrial School	10.24
	Western Union Tel. Co., messages...	4.67
	Harvey E. Jones, Clerk U. S. Court, copy opinion case City of Montgomery v. Postal Tel.-Cable Co.....	9.00

ITEMIZED STATEMENT OF EXPENDITURES

From the Appropriation for Purchase of Books.

1913.

March	—West Publishing Co., 56 to 59 Southern Reporter	\$ 9.35
May	—The American Law Book Co., 1913 Annotations of Cyc.	8.00
	Lawyers' Co-Op. Pub. Co., Vol. 41, L. R. A. (N. S.)	4.00
	W. H. Anderson Co., Hopkin's Rules	2.50
	T. P. Warlow, Index to Florida Laws	1.50
	Lawyers' Co-Op. Pub. Co., Vols. 13 to 40 L. R. A. (N. S.) and Digest....	106.20
July	—G. & C. Merriam Co., Webster's Dictionary	12.00
	The Bobbs-Merrill Co., Dillon's Municipal Corporations, 5 vols.....	32.50
August	—Vernon Law Book Co., Westervelt's Pure Food Law	7.50
September	—H. & W. B. Drew Co., Drew's Annotations of Laws	2.05
	Lawyers' Co-Operative Pub. Co., Vol. 43 L. R. A. (N. S.)	4.00
October	—Lawyers' Co-Operative Pub. Co., Vol. 42 L. R. A. (N. S.)	4.00
November	—West Publishing Co., Black's Law Dictionary, Vols. 60, 61, 62, South. Hep.	15.25
	J. T. Crawley, Florida Court Rules..	1.00
	The Banks Law. Pub. Co., U. S. Reports, Vols. 1 to 229 Inc.....	300.00
December	—D. R. Cox Furniture Co., 7 units book case	17.50
	The Lawyers' Co-Op. Pub. Co., Vol. 44 L. R. A. (N. S.)	4.00
	The American Law Book Co., Index to Cyc.	7.50

1914.		
January	—Yale Univ. Press, Ferran's Framing the Constitution	2.18
	Lawyers' Co-Op. Pub. Co., Index to L. R. A. Notes	3.00
February	—Cox Furniture Co., book-cases for office	45.00
	The Lawyers' Co-Op. Pub. Co., Vol. 45, L. R. A. (N. S.)	4.00
March	—Matthew Bender & Co., cash payment on Cyc. of Evidence, 16 vols.....	15.50
	One monthly instalment	10.00
April	—Lawyers' Co-Op. Pub. Co.—	
	Vols. 46 and 47 L. R. A. (N. S.) ...	8.00
	Vol. 1 Ruling Case Law.....	6.50
	West Pub. Company, Vol. 63 So. Reporter	4.00
May	—West Publishing Co., initial payment on Decennial Digest	15.00
	Matthew Bender & Co., installment on Cyc. of Evidence	10.00
June	—Matthew Bender & Co., installment on Cyc. of Evidence	10.00
July	—Lawyers' Co-Op. Pub. Co.—	
	Vol. 2 Ruling Case Law.....	6.50
	Vol. 48 L. R. A. (N. S.)	4.00
	Matthew Bender & Co., installment on Cyc. of Evidence etc.....	10.00
	West Publishing Co., first quarterly installment on Dec. Dig.....	25.00
	Banks Law Book Co., Vols. 230, 231, and 233 U. S. Reports.....	11.30
	Lawyers' Co-Op. Pub. Co., Vol. 49 L. R. A. (N. S.)	4.00

1914.

September—West Pub. Co.—

Vol. 17 Am. Dig. (Key Num. Ser.) 6.00

Vol. 64 South. Rep. 4.00

Matthew Bender & Co., installment on
books 10.00

Lawyers' Co-Op. Pub. Co.—

Gray's Limitation on Taxing Power 6.50

Vol. 3 Ruling Case Law..... 6.50

Vol. 50 L. R. A. (N. S.)..... 4.00

Matthew Bender & Co., installment on
invoice dated Jan. 12, 1914..... 10.00West Publishing Co., quarterly install-
ment on Decennial Digest..... 25.00American Law Book Co., Annotations
for Cyc. 1914 6.00

October —The Banks Law Book Co.—

Vol. 234 U. S. Report..... 3.00

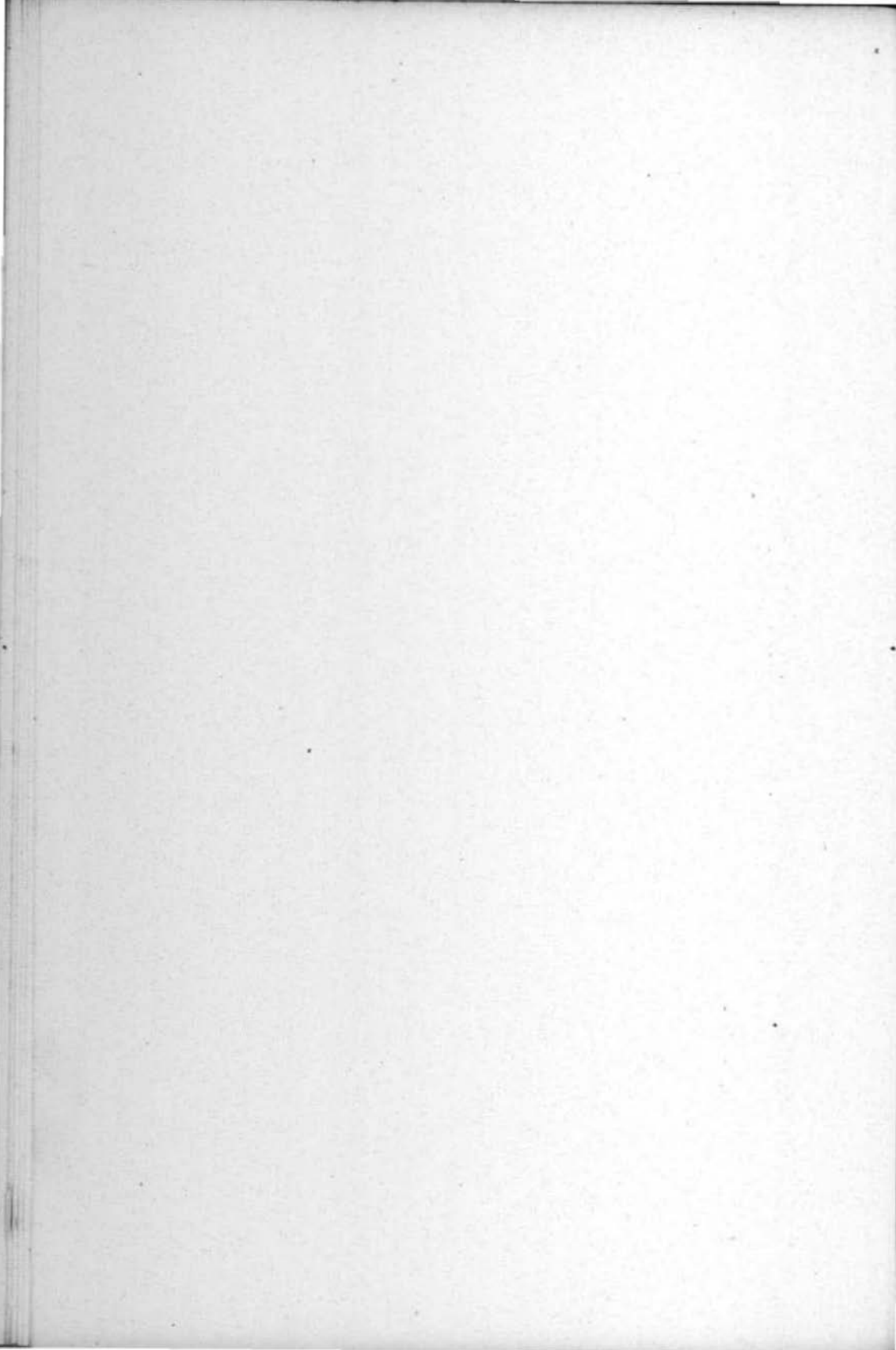
Freund on Public Powers..... 6.00

Mechem on Public Officers..... 6.00

Brannon's 14th Amendment..... 4.50

December —Matthew Bender & Co., installment on

books per inv. Jan. 21, 1914..... 10.00



CIVIL CASES.

*District Court of the United States, Northern District
of Florida.*

The Pullman Company, a Corporation,
vs.

A. C. Croom, Comptroller of the State
of Florida.

This suit involved the constitutional validity of the statute (Section 47 of Chapter 5596, Laws of Florida), imposing upon sleeping and parlor car companies an annual tax of one dollar and fifty cents upon each one hundred dollars of the gross receipts of such company derived from business done between points in this State.

Three Federal Judges, acting under the provisions of Section 266 of the Judicial Code, denied an application for an interlocutory injunction, and the case was appealed by the Company to the Supreme Court of the United States, where an order was made dismissing it. See 231 U. S. 571.

*District Court of the United States, Northern District
of Florida.*

The Pullman Company, a Corporation,
vs.

A. C. Croom, Comptroller of the State
of Florida.

This case was the same as the one immediately preceding, except that the tax for a different year was involved. The two cases were considered and argued together in the Supreme Court, and decided there as one case.

*District Court of the United States, Northern District
of Florida.*

The Pullman Company, a Corporation,
vs.

*W. V. Knott, Comptroller of the State
of Florida.*

In this case the same question was involved as that in the cases of *The Pullman Company vs. Croom*. It took the same course as those cases to the Supreme Court of the United States. The Supreme Court considered the question on its merits, and affirmed the judgment of the lower court holding the statute to be valid, thus establishing the principle that a tax of this character could be constitutionally imposed and collected in this State. See 235 U. S. 23.

*District Court of the United States, Northern District
of Florida.*

The Pullman Company, a Corporation,
vs.

*W. V. Knott, Comptroller of the State of
Florida.*

This case was the same as the one immediately preceding, except that the tax for a different year was involved. The two cases were considered and argued together in the Supreme Court and decided there as one case.

*Circuit Court, Second Judicial Circuit of Florida,
Leon County.*

The State of Florida,
vs.

Florida Life Insurance Company.

This suit involved the constitutional validity of that

portion of Schedule B of Section 8 of Chapter 5597, Laws of Florida, imposing upon Insurance Companies a tax of two per cent of the gross amount of receipts from premiums from policy holders in this State. The suit was brought by the State in the Circuit Court of Leon County against the defendant, and judgment was recovered against the Company for the amount claimed. Writ of error was taken to the Supreme Court and the judgment of the Supreme Court affixed in an opinion prepared and filed on the 1st day of December, 1914. 68 Fla.—.

*Circuit Court, Second Judicial Circuit of Florida,
Leon County.*

The State of Florida,

vs.

Florida Life Insurance Company.

This case was the same as the one immediately preceding, except that the tax for a different year was involved. The two cases were considered and argued together in the Supreme Court, and decided at the same time. 68 Fla. —.

*Circuit Court, Second Judicial Circuit of Florida,
Leon County.*

The State of Florida,

vs.

Peninsular Casualty Company.

In this case the same question was involved as that in the case of The State of Florida vs. Florida Life Insurance Company. It took the same course to the Supreme Court as those cases; the Court holding the statute to be constitutional. 68 Fla. —.

*Circuit Court, Second Judicial Circuit of Florida,
Leon County.*

*The State of Florida,
vs.
Peninsular Casualty Company.*

This case was the same as the one immediately preceding, except that the tax for a different year was involved. The two cases were considered and argued together in the Supreme Court, and decided at the same time. 68 Fla. —.

*Circuit Court, Second Judicial Circuit of Florida,
Leon County.*

*Herbert L. Anderson, Petitioner,
vs.
H. Clay Crawford, as Secretary of
the State of Florida, Respondent.*

This was a proceeding by injunction brought by the petitioner as a member of the Progressive Party to enjoin the Secretary of State from certifying, as required by Section 54 of Chapter 6469, Laws of Florida, the fact of the nomination of the candidates of the Democratic Party in the primary election held on the 2nd day of June, 1913.

The issue was the constitutional validity of the statute, Chapter 6469, Laws of Florida, commonly called the Primary Election Law.

The Court held the statute valid, and denied the application for injunction.

*Circuit Court, Second Judicial Circuit of Florida,
Leon County.*

E. Loomis, Petitioner,

vs.

*H. Clay Crawford as Secretary of
State of the State of Florida,
Respondent.*

This was a proceeding by mandamus, brought by petitioner as a candidate of the Socialist Party for Congress from the Fourth Congressional District, to require the Secretary of State to certify his name to the Boards of County Commissioners of the respective counties, under the provisions of Section 54 of Chapter 6469, Laws of Florida, as the nominee of his party for Congress from the District mentioned, notwithstanding it appeared that the Socialist Party cast more than five per cent. of the entire vote cast in the State at the next preceding general election and the petitioner had not been nominated in the primary election held under the provisions of the said statute.

This case also raised the question of the constitutional validity of the Primary Election Law, but from a different viewpoint.

The Court, however, denied the application for a peremptory writ of mandamus, again sustaining the validity of the Act.

*District Court of the United States, Southern District
of Florida.*

R. J. Bolles,

vs.

T. J. Campbell, Tax Collector.

This was a proceeding by injunction brought by the

complainant to restrain the defendant, as Tax Collector of Palm Beach County, from making sale of certain real estate of the complainant for the non-payment of taxes due.

At the request of the defendant I assisted Messrs. Hudson & Boggs, his attorneys, at the hearing in Jacksonville.

The Court denied the application for a temporary restraining order, and the property was sold.

*District Court of the United States, Southern District
of Florida.*

Florida Fruit Lands Company,

vs.

T. J. Campbell, Tax Collector.

This is a case similar to the one immediately preceding, and was disposed of in like manner.

*District Court of the United States, Southern District
of Florida.*

Florida State Drainage Land Company,

vs.

T. J. Campbell, Tax Collector.

Th is is a case similar to the two cases immediately preceding, and was disposed of in like manner.

*District Court of the United States, Southern District
of Florida.*

Mary B. Deuchurst,

vs.

*The Board of Control of the State
of Florida.*

This case was referred to in the last report from this

office. It has been settled by the parties; the Board of Control having paid to the complainant a small consideration, and taken a deed to the property involved, thus disposing of the case.

*Circuit Court, Eighth Judicial Circuit of Florida,
Alachua County.*

*King Lumber Company, a
Corporation,*

vs.

*The Board of Control of the
State of Florida.*

This is an action on a contract between the parties to the suit. The question involved is the amount of the balance due by the defendant to the plaintiff.

The suit is now pending on demurrer to plaintiff's declaration. The liability of the defendant to suit in a case of this character is raised by the demurrer, and is the important question involved in the litigation.

Supreme Court of Florida.

Ex parte

C. H. Taylor.

This was an original proceeding by *habeas corpus* in the Supreme Court, in which the issue presented was the constitutional validity of the statute (Chapter 6422, Laws of Florida) providing the terms and conditions upon which corporations, foreign and domestic, may sell their stocks and securities in Florida, commonly called the "Blue Sky Law."

The court held the statute valid, and remanded the applicant to the custody of the sheriff.

*District Court of the United States, Northern District
of Florida.*

*Louisville & Nashville Railroad
Company, a Corporation,
vs.
Thomas F. West, et al.*

This was a proceeding by injunction brought by the complainant against the Attorney General, the County Solicitor for Escambia County, and the State Attorneys for the First and Ninth Judicial Circuits of the State.

The object of the suit was to restrain any proceeding looking to the enforcement of the provisions of Chapter 6526, Laws of Florida, requiring railroad companies to equip their locomotive engines with headlights of certain power.

The suit was not pressed and the complainant has now conceded the validity of the statute, and equipped its locomotives with the character of headlights required.

*Circuit Court, Second Judicial Circuit of Florida,
Leon County.*

*John H. Douglass,
vs.
J. C. Luning, State Treasurer.*

This was a proceeding for the distribution of the deposit made by an insurance company with the State Treasurer under the provisions of Chapter 5889, Laws of Florida, the company having become insolvent.

Distribution of the fund was made in obedience to the order of the court.

County Judge's Court, Volusia County.

*In re. Charles Almundinger, an
insane person.*

This was an application by the Attorney General for an order directing the guardian of the estate of Charles Almundinger, an insane person confined at the Florida Hospital for the Insane, at Chattahoochee, to pay over to the State the amount due by said Almundinger for maintenance at the Hospital.

It having been made to appear that the said Almundinger is not an indigent person, an order was made granting the application, and in compliance therewith a check for \$1,202.06 was sent by the guardian to this office and delivered over to the State Treasurer.

*District Court of the United States, Southern District
of Florida.*

*Van Deman & Lewis Company, a
Corporation, et al.,
vs.*

*John W. Rast, Tax Collector for
Dural County, et al.*

This was a proceeding by injunction against the defendant, and the tax collectors of all the other counties in the State, and all the prosecuting officers in all the State Courts, to restrain any action looking to the enforcement of the collection of the license tax imposed by the provisions of Section 35 of Chapter 6421, Laws of Florida, commonly called the "Coupon License Tax."

It was heard by three Federal Judges, under the provisions of Section 266 of the Judicial Code, whereupon

an order was made restraining the defendants according to the prayer of the bill of complaint, upon the grounds that the statute was obnoxious to the provisions of the Fourteenth Amendment to the Federal Constitution.

Several important questions are involved, and it was deemed advisable to appeal the case to the Supreme Court of the United States, where it is now pending and will probably be reached for consideration about March or April of next year.

*Circuit Court, Fourth Judicial Circuit, of Florida,
Daval County.*

W. V. Knott, Comptroller,

vs.

*Florida Trust Company,
a Corporation.*

This was a proceeding brought for the purpose of having a receiver appointed to take charge of the affairs of the defendant. Although the word "Trust" appears in the name of the company, it was not in fact a Trust Company, but was doing a banking business.

A receiver was appointed. The defendant was found to be insolvent, and distribution of its assets was made as directed by the court.

*Circuit Court, Second Judicial Circuit of Florida,
Leon County.*

Rachel C. M. Gaillard et al.,

vs.

George Lewis et al.

The principal issue in this case has been decided, the

State's contention having been sustained by the Supreme Court. See *Lewis vs. Gaillard*, 61 Fla. 819.

The matter now before the court is an application for an order directing the payment of counsel fees from the trust fund. This question has not been finally passed upon by the court.

QUO WARRANTO AND INJUNCTION.

Authority was given by the Attorney General to the parties whose names appear below to institute proceedings in the name of the Attorney General upon relation of the State in *quo warranto* and injunction. Statement of the purpose of the suit is given in each case.

QUO WARRANTO.

Avery & Price, Marianna, Florida.

January 21, 1913.

Authority granted to use the name of the Attorney General to test the legality of the incorporation of the Town of Hosford, in Liberty County.

Joseph A. Edmondson, Tallahassee, Florida.

April 30, 1913.

Authority granted to use the name of the Attorney General to test the qualifications of Miles H. Johnson, Sr., to hold the office of County Commissioner of Leon County.

Avery & Price, Marianna, Florida.

July 28, 1913.

Authority granted to use the name of the Attorney General to test the authority of certain persons to hold the offices of Mayor, Clerk and Councilmen of the Town of Ponce de Leon, in Holmes County.

Bisbee & Bédell, Jacksonville, Florida.

September 27, 1913.

Authority granted to use the name of the Attorney General to test the title to and authority of P. S. Bowen and Richard D. Drysdale to continue to hold the office of County Commissioner of Duval County, it appearing that the persons named had accepted appointments as deputy sheriffs of said county.

Price & Price, Marianna, Florida.

December 19, 1913.

Authority granted to use the name of the Attorney General to test the title o cerain offices of the town of Cottondale, in Holmes County, and the authority of the accupants of said offices to hold the same.

I. J. McCall, Jasper, Florida.

August 27, 1914.

Authority granted to use the name of the Attorney General to test the authority of I. B. Butler to hold the office of Marshal of the Town of Jennings, in Hamilton County.

C. A. Stephens, Jennings, Florida.

October 9, 1914.

Authority granted to use the name of the Attorney General to test the right of the members of the town council of the Town of Jennings, in Hamilton County, to hold such offices.

C. M. Cooper and Charles P. & J. J. G. Cooper,
Jacksonville, Florida.

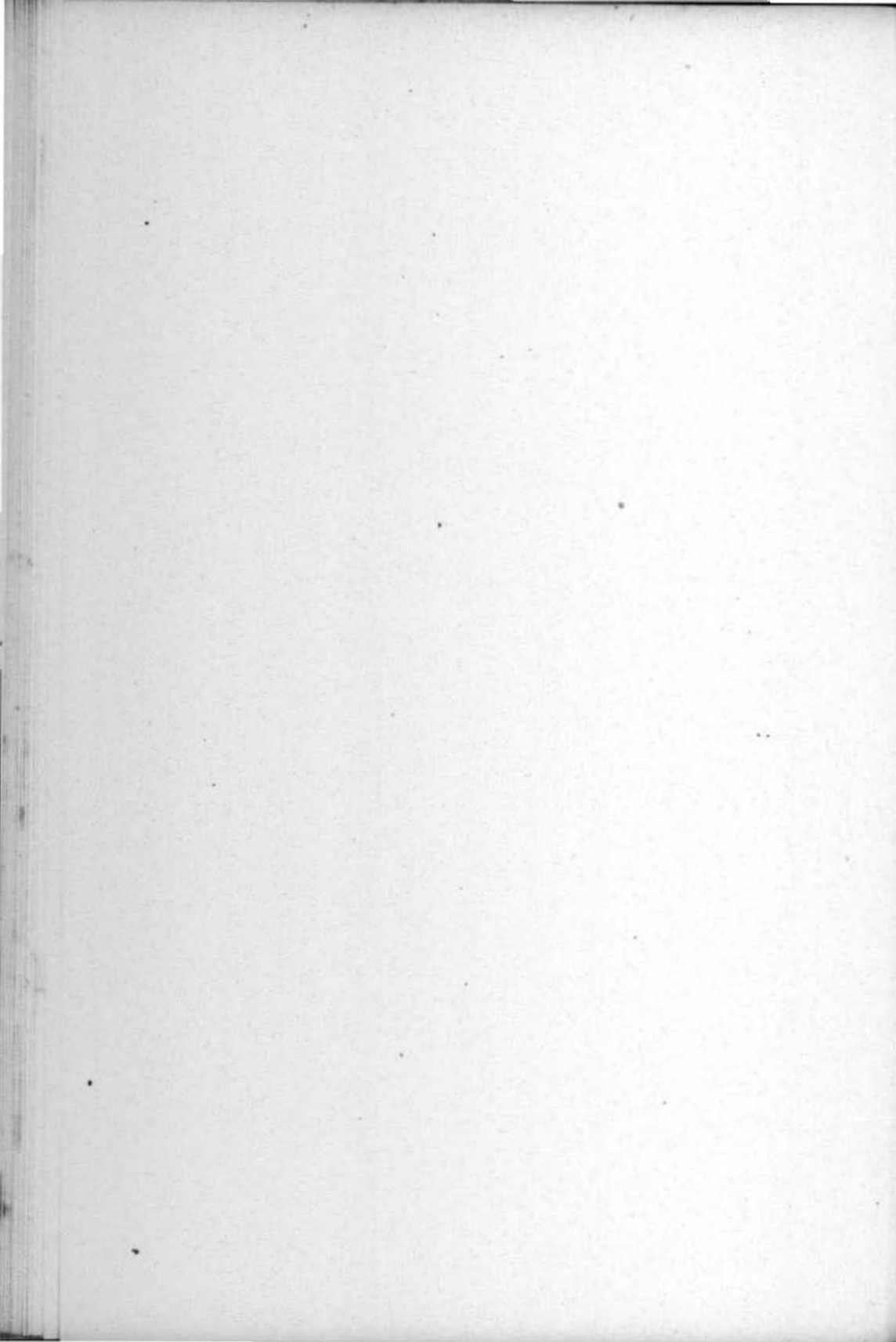
March 31, 1914.

Authority granted to use the name of the Attorney

General to test the right of the City of South Jacksonville, in Duval County, to maintain certain obstructions to certain streets, and also to maintain streets in said city.

M. D. Carmichael, West Palm Beach, Florida.
December 21, 1914.

Authority granted to use the name of the Attorney General to test the authority of T. Sol Beville to occupy the office of Mayor of the Town of Pompano, in Palm Beach County. *



CRIMINAL CASES

IN WHICH OPINIONS WERE FILED BY THE
SUPREME COURT DURING ITS
JANUARY TERM 1913.

REPORTED IN VOLUME SIXTY-FIVE FLORIDA REPORTS.

C. R. Ammons v. State:

Plaintiff in error, C. R. Ammons, was convicted in the Criminal Court of Record of Duval County for having carnal intercourse with an unmarried female under the age of eighteen years. Upon writ of error the judgment of the trial court was affirmed.

Edward F. Andrews v. State:

Plaintiff in error, Edward, Edward F. Andrews, was convicted in the Circuit Court of Manatee County for murder in the first degree without recommendation to mercy and sentenced to death. Upon writ of error the judgment of the trial court was affirmed.

Alexander Bell v. State:

Plaintiff in error, Alexander Bell, was convicted in the Court of Record of Escambia County upon both counts of an indictment charging him with deserting his wife and child in the first count and withholding the proper means of support in the second count. Upon writ of error the judgment of the trial court was affirmed.

Willis Bennett v. State:

Plaintiff in error, Willis Bennett, was convicted in the Circuit Court for Calhoun County of perjury. Upon writ of error the judgment of the trial court was affirmed.

Harry Bonaparte v. State:

Plaintiff in error was convicted in the Criminal Court of Record of Duval County upon an information charging embezzlement. After conviction a writ of error was taken to have the Supreme Court review the action of the trial judge in overruling the defendant's challenge to the special venire summoned from the county at large, upon the ground that the sheriff in selecting said jury discriminated against the Negro race, the defendant being a Negro. Upon review by writ of error the judgment of the trial court in overruling the challenge was reversed and a new trial awarded.

Albert A. Carter, alias J. A. Thompson, alias Lewis Hall, v. State:

Through extradition proceedings instituted by the Governor of New York, Carter was arrested in St. Augustine and held there by the Sheriff of St. Johns County. Carter thereupon petitioned for and obtained a writ of *Habeas Corpus* and upon a hearing before the Judge of the Fourth Judicial Circuit upon the question of identity, the petitioner was remanded to the Sheriff to be delivered to the accredited agent of the State of New York. Upon writ of error the judgment of the court below was affirmed.

Charles P. Cochran v. State:

Cochran was convicted in the Circuit Court of Monroe County of murder in the second degree. Upon writ of error the judgment of the trial court was reversed and a new trial awarded.

Arthur Daughtry v. State:

Daughtry was convicted in the Circuit Court of DeSoto County upon an indictment charging him with fraudulently altering the brand of an animal not his own. Upon

writ of error the judgment of the circuit court was reversed and a new trial awarded.

Joe Gillyard v. State:

Gillyard was convicted in the Circuit Court of Volusia County of murder in the first degree and sentenced to death. Upon writ of error the judgment of the trial court was affirmed.

Hazel Johnston v. State:

Johnston was convicted in the Circuit Court of Santa Rosa County of unlawfully selling intoxicating liquors in violation of the Local Option Law upon an indictment charging a second offense. Upon writ of error the judgment of the trial court was affirmed.

Pinkey Jones v. State:

Jones was convicted in the Circuit Court of Santa Rosa County of murder in the first degree and sentenced to death. Upon writ of error the judgment of the trial court was affirmed.

H. C. Mashburn v. State:

Mashburn was arrested for being a road defaulter in Jackson County and immediately brought *Habeas Corpus* proceedings before the Circuit Judge of the Ninth Judicial Circuit, the petition therefor alleging the unconstitutionality of Chap. 6276 Laws of 1911, the law upon which the charge was based. Upon a hearing before the Circuit Judge the petitioner was remanded to the custody of the sheriff. Upon writ of error the judgment of the lower court was affirmed.

Thomas B. Owens v. State:

Owens was convicted in the Circuit Court of Jackson County of murder in the second degree and upon writ of error the judgment of the trial court was affirmed.

Fierce Palmore v. State:

Palmore was convicted of an assault with intent to commit manslaughter in the Criminal Court of Record of Walton County and upon writ of error the judgment of the trial court was affirmed.

T. J. Pitchford and Alicia Clark v. State:

Plaintiffs in error were convicted in the Criminal Court of Record of Dade County upon an information charging them with open and gross lewdness. Upon a review by writ of error the judgment of the trial court was reversed.

James Platt and Elijah Bellamy v. State:

Plaintiffs in error were convicted of murder in the first degree and sentenced to death in the Circuit Court of Clay County. Upon writ of error the judgment of the trial court was reversed and a new trial awarded.

Calvin Rhodes v. State:

Rhodes was convicted in the Circuit Court of Lake County of assault with intent to murder and upon writ of error the judgment of the trial court was affirmed.

Lawrence Russell v. State:

Russell was convicted in the Criminal Court of Record of Monroe County of grand larceny, and upon writ of error the judgment of the trial court was affirmed.

S. J. Sligh v. James A. Kirkwood, Sheriff:

Sligh was arrested after an information had been filed in the Criminal Court of Record of Orange County charging him with shipping to another State immature oranges in violation of Chapter 6515 Laws of 1913. He petitioned for and obtained a hearing upon a writ of *Habeas Corpus* before the Judge of the Seventh Judicial Circuit, which

petition alleged the unconstitutionality of the said law which resulted in the petitioner being remanded. Upon writ of error the judgment of the lower court was affirmed.

Collin Smith v. State.

Smith was convicted in the Criminal Court of Walton County of Forgery and upon review by writ of error the judgment of the trial court was affirmed.

J. K. Stokes v. State:

Plaintiff in error was convicted in the Circuit Court of Leon County upon an indictment charging him with fraudulently altering the marks and brand of an animal not his own. Upon writ of error the judgment of the trial court was reversed because the indictment charged two offenses in one count, fraudulently altering marks and fraudulently altering brands being separate felonies.

John D. Vann and Edmond Hagan v. State:

Plaintiffs in error were convicted in the Criminal Court of Record of Volusia County upon an information charging them with catching fish by seining in violation of Chapter 6312 Laws of 1911. Both brought *Habeas Corpus* proceedings before the Judge of the Seventh Judicial Circuit who upon a hearing remanded them to the custody of the sheriff. Upon writ of error the judgment and order of the Circuit Court was affirmed.

Johnson Williams v. State:

Williams was convicted in the Circuit Court of Osceola County of a nassault with intent to commit murder in the first degree. Upon writ of error the judgment of the trial court was affirmed.

REPORTED IN VOLUME SIXTY-SIX (JUNE TERM 1913)
FLORIDA REPORTS.

J. Kemp v. State:

J. Kemp was convicted in the Criminal Court of Record of Dade County, and the record in the case not being returned on the date stated in the writ of error the case was dismissed on motion of Attorney General.

William Atkins v. State:

Atkins was convicted in the Circuit Court of Leon County of the statutory offense of having carnal intercourse with an unmarried female under the age of eighteen years. Upon review by writ of error the judgment and sentence of the trial court was affirmed.

Ollic Bennett v. State:

Bennett was convicted in the Circuit Court of Jackson County of the crime of manslaughter upon an indictment charging him with murder in the first degree. Upon review by writ of error the judgment of the trial court was affirmed.

Clarence Daly, Ex Parte:

Daly was convicted at a special term of the Circuit Court of Dade County presided over by Judge Perkins of the Seventh Circuit who acted under the order of the Governor. After conviction Daly petitioned for and obtained a hearing on writ of *Habeas Corpus* brought originally before the Supreme Court, the petition alleging that Judge Perkins was without jurisdiction to try the case in that the Governor's order transferring him stated that the alleged rape was committed upon one "Mrs. Parker" when the indictment alleged it to have been committed upon one Mrs. Margaret Berry. The petition for discharge was denied and the petitioner was remanded to the custody of the sheriff.

Dock Davis v. State:

Davis was convicted in the Circuit Court of Wakulla County of Manslaughter upon an indictment charging him with mudrer in the second degree. Upon writ of error the judgment of the trial court was affirmed.

John V. Denton v. State:

Plaintiff in error was convicted in the Criminal Court of Record of Orange County of the Statutory offense of issuing a draft drawn upon a firm in payment for goods without having sufficient money on depósit with such firm to pay the draft, or reason to believe from existing contract or previous dealings that such draft would be paid. Upon review by writ of error the judgment of the trial court was reversed.

E. B. Harris and T. H. Johnson v. State; suit on Bail Bond:

Plaintiffs in error, upon a rule brought against them, were required to show cause why a bail bond entered into by them for the appearance of one Ray Adams before the Criminal Court of Record of Duval County, should not be estreated. A demurrer was filed to the return and sustained by the Judge of the Fourth Judicial Circuit. Upon writ of error the judgment of the Circuit Court was reversed.

George Franklin v. State:

Franklin was convicted in the Criminal Court of Record of Duval County of receiving stolen goods knowing them to have been stolen. Upon writ of error the judgment of the trial court was reversed.

Louis Garfunkel v. State:

Plaintiff in error was informed against in the Criminal Court of Record of Monroe County for the embezzlement

of a number of articles amounting in the aggregate to something over two hundred dollars, to which the jury returned a verdict of "Guilty as charged." Upon writ of error the judgment of the trial court was reversed, the verdict not making it plain whether the higher or lower grade of embezzlement was intended.

John Hagan v. State:

Hagan was indicted and convicted in the Circuit Court of Volusia County of murder in the first degree without recommendation to mercy, and sentenced to be hanged. Upon writ of error the judgment of the trial court was affirmed.

Dock Ireland v. State:

Ireland was convicted in the Circuit Court of Hamilton County of an assault with intent to commit murder and upon writ of error the judgment of the trial court was affirmed.

R. Percy Jones v. State:

Jones was convicted in the Criminal Court of Record of Hillsborough County of an assault with intent to commit murder in the second degree, and upon writ of error the judgment of the trial court was affirmed.

Arch Lindsey v. State:

Plaintiff in error was tried in the Circuit Court of Santa Rosa County upon an indictment charging murder in the first degree and was found guilty of manslaughter. Upon writ of error the judgment of the trial court was affirmed.

C. A. Long v. State:

Long was convicted in the Circuit Court of St. Lucie County of the Statutory offense of having carnal inter-

course with an unmarried female under eighteen years of age. Upon writ of error the judgment of the trial court was affirmed.

Jack McClellan v. State:

Jack McClellan was tried in the Circuit Court of Jackson County upon an indictment charging an assault with intent to commit murder in the first degree and convicted of an assault with intent to commit murder in the second degree. Upon writ of error the judgment of the trial court was affirmed.

Guss McGriff v. State:

Plaintiff in error, Gus McGriff, was convicted in the Circuit Court of Seminole County upon an indictment charging the violation of the local option law. He afterwards obtained a writ of *Habeas Corpus* and upon a hearing before Judge Perkins of the Seventh Judicial Circuit he was remanded to the custody of the sheriff. The petition set up that the local option law was not in force in Seminole County even though it was formed totally from a portion of Orange County wherein local option was in force at the time of the creation of Seminole County. Upon writ of error the judgment of the Circuit Court was affirmed. A rehearing was later denied by the Supreme Court.

Ed Penuel v. State:

Ed Penuel was convicted in the Circuit Court of Jackson County of the crime of embezzlement and upon writ of error the judgment of the trial court was affirmed.

F. R. Pou v. A. C. Ellis, Sheriff:

Plaintiff in error was informed against in the Court of Record of Escambia County for conspiring to falsify the registration books of the City of Pensacola by placing

thereon the names of persons who did not appear before the Registration Officer to take the oath as required by law. A writ of *Habeas Corpus* was obtained and upon a hearing before the Court of Record of said County the petitioner was remanded. Upon writ of error to the Supreme Court the judgment of the lower court was affirmed.

D. M. Seymore and C. P. Aiken v. States

C. P. Aiken was convicted in the Circuit Court of Marion County for the statutory offense of burning a building which was insured, with intent to injure the insurer, and D. M. Seymore was convicted upon the same indictment for being an accessory thereto. Upon writ of error the judgment of the trial court was affirmed.

Jeremiam Smith v. State:

Smith was convicted in the Circuit Court of Washington County for murder in the second degree upon writ of error the judgment of the trial court was affirmed.

A. C. Teston and Mattie Bridges v. States

Plaintiffs in error were tried and convicted in the Criminal Court of Record of Hillsborough County of the statutory offense of living in adultery. Upon writ of error the judgment of the trial court was reversed for defects in the information charging the offense.

Harrison Thompson v. State:

Thompson was tried and convicted in the Criminal Court of Record of Volusia County of being a common liquor dealer in violation of Sec. 3 of Chap. 6179 Laws of 1911. Upon writ of error the judgment of the trial court was reversed because of the failure of the State to prove the identity of the accused.

Joe Turner v. State:

Joe Turner was convicted in the Criminal Court of

Record of Walton County of the statutory offense of an assault with intent to carnally know and abuse a female child under the age of ten years. Upon writ of error the judgment of the trial court was affirmed.

Julian Vicente and Victor Dean v. State:

Plaintiffs in error were jointly convicted in the Criminal Court of Record of Monroe County of entering without breaking a hotel for the purpose of committing petit larceny. Upon writ of error the judgment of the trial court was reversed for failure of the information to allege ownership of the building.

REPORTED IN VOLUME SIXTY-SEVEN (JANUARY TERM 1914)
FLORIDA REPORTS.

Arnold Baxter v. State:

Baxter was convicted in the Circuit Court of Seminole County for the larceny of a cow. Upon writ of error the judgment of the trial court was reversed.

C. G. Bonner, Melt Bonner and Cleveland Bonner v. State:

Plaintiffs in error were jointly indicted in the Circuit Court of Washington County for murder in the first degree and the trial resulted in a verdict of murder in the first degree with recommendation to mercy for C. G. and Melt Bonner and murder in the second degree as to Cleveland Bonner, for which each was sentenced to life imprisonment in the State Prison. Upon writ of error the judgment of the trial court was affirmed.

Isaac Coley v. State:

Coley was convicted in the Circuit Court of Clay County for murder in the second degree. A former trial resulted in a disagreement of the jury. Upon writ of error the judgment of the trial court was reversed because the testi-

mony of a deceased witness in the former trial was read in the subsequent trial by the official stenographer and used in evidence, in violation of Chap. 5897 Laws of 1909.

Clarence Daly v. State:

Plaintiff in error was tried and convicted at a special term of the Circuit Court of Dade County of the crime of rape and sentenced to death. Upon writ of error the judgment of the trial court was affirmed.

Pleas Lindsey v. State:

Plaintiff in error was convicted in the Circuit Court of Santa Rosa County of aggravate dassault and upon writ of error the judgment of the trial court was affirmed.

John Mathis, A. C. Harrison and J. C. McDonald v. State:

Plaintiffs in error were convicted in the Criminal Court of Record of Hillsborough County for the larceny of a cow. No proper entry of the judgment and sentence appeared in the record and upon writ of error the case was dismissed and remanded for proper sentence and judgment.

J. W. Moneyham v. States

Plaintiff in error was convicted in the Circuit Court of Jackson County of obtaining money by false pretenses and upon writ of error the judgment of the trial court was reversed.

James Spanish v. States

Spanish was convicted in the Criminal Court of Record of Duval County of robbery from the person. Upon writ of error the judgment of the trial court was reversed because of the insufficiency of the evidence to prove the property taken.

W. S. Sweeting v. State:

Plaintiff in error was convicted in the Criminal Court of Record of Dade County upon an information charging him with buying, receiving and aiding in the concealment of stolen goods. Upon writ of error the judgment of the trial court was reversed because of material defects in the information charging the offense.

J. H. Taylor v. State:

Taylor was convicted in the Criminal Court of Record of Duval County of wantonly and maliciously shooting into a dwelling house and upon writ of error the judgment of the trial court was reversed for proper judgment and sentence.

Roman Ward v. State:

Roman Ward was convicted in the Circuit Court of Liberty County of murder in the first degree and sentenced to death. Upon writ of error the judgment of the trial court was reversed because of the insufficiency of the evidence.

REPORTED IN THE SIXTY-EIGHTH (JUNE TERM 1914)
FLORIDA REPORTS.

John D. Noble v. State:

Plaintiff in error, John D. Noble, was convicted in the Circuit Court of Suwannee County for the statutory offense of practicing dentistry without first obtaining a professional license from the State Board of Dental Examiners of Florida. Upon writ of error the judgment of the trial court was affirmed.

Will Evans v. State:

Will Evans was convicted in the Criminal Court of Record of Duval County of an assault with intent to

commit murder and upon writ of error the judgment of the trial court was affirmed.

Frank Chancy v. State:

Frank Chancy was convicted in the Circuit Court of Holmes County of manslaughter and upon writ of error, the judgment of the Circuit Court was affirmed.

Jesse Barnes and Joe Barnes v. State:

Plaintiffs in error were convicted in the Circuit Court of Holmes County of murder in the second degree and upon writ of error the judgment of the Circuit Court was affirmed.

Richard Martin v. State:

Richard Martin was convicted in the Circuit Court of Holmes County of murder in the second degree and upon writ of error the judgment of the Circuit Court was affirmed.

H. M. Owens v. State:

H. M. Owens was convicted in the Circuit Court of Alachua County of manslaughter and upon writ of error the judgment of the Circuit Court was affirmed.

Roy Sikes v. State:

Roy Sikes was convicted in the Circuit Court of St. Lucie County of manslaughter and upon writ of error the judgment of the trial court was affirmed.

Wilson Reeves v. State:

Wilson Reeves was convicted in the Circuit Court of Brevard County of murder in the first degree and upon writ of error the judgment and sentence of the trial court was affirmed.

Jeremiah Davis v. State:

Jeremiah Davis was convicted in the Circuit Court of Calhoun County of murder in the first degree without recommendation to mercy and upon writ of error the judgment and sentence of the trial court was affirmed.

Claude Carter v. State:

Claude Carter was convicted in the Circuit Court of St. Lucie County of having carnal intercourse with an unmarried female under the age of sixteen years. Upon writ of error the judgment and sentence of the Circuit Court was affirmed.

Lonny Roland v. State:

Lonny Roland was convicted in the Circuit Court of Duval County of murder in the first degree without recommendation to mercy. Upon writ of error the judgment and sentence of the Circuit Court was affirmed.

Eddie Coleman v. State:

Eddie Coleman was convicted in the Criminal Court of Record of Volusia County of an aggravated assault and thereupon he had a hearing upon a writ of Habeas Corpus the petition for same alleging the disqualification of Judge Bert Fish to try the case. After the hearing before Judge Perkins of the Seventh Judicial Circuit the petitioner was remanded to the custody of the Sheriff. Upon writ of error to the Supreme Court the judgment of the Circuit Court was affirmed.

Ivey Williams v. State:

Williams was convicted in the Circuit Court of Suwannee County of manslaughter and upon writ of error the judgment of the trial court was affirmed.

Joseph Dykes v. State:

Joseph Dykes was convicted in the Circuit Court of Palm Beach County for an assault with intent to commit robbery and upon writ of error the judgment and sentence of the trial court was affirmed.

Henry Williams v. State:

Henry Williams was convicted in the Circuit Court of Citrus County of an assault with intent to commit robbery and upon writ of error the judgment of the trial court was reversed because of material defects in the indictment.

Anita Buie and Judge D. Ruffian v. State:

Plaintiffs in error were convicted in the Circuit Court of Citrus County, the former of murder in the second degree and the latter as accessory. Upon writ of error the judgment and sentence of the trial court was affirmed.

Jake Reed v. State:

Jake Reed was convicted in the Circuit Court of Duval County of murder in the second degree and upon writ of error the judgment and sentence of the trial court was affirmed.

Thomas Pickett v. State:

Pickett was convicted in the Circuit Court of Duval County of murder in the second degree and upon writ of error the judgment and sentence of the trial court was affirmed.

John L. Dedge v. State:

Dedge was convicted in the Circuit Court of Duval County of murder in the second degree and upon writ of error the judgment and sentence of the trial court was affirmed.

J. E. Britton v. State:

Britton entered a plea of guilty in the Circuit Court of Citrus County to a charge of perjury and afterwards moved to be allowed to withdraw the plea stating that he swore falsely upon the advice of counsel, the trial judge upon investigation denied the motion and entered judgment and sentence. Upon writ of error the judgment of the Circuit Court was affirmed.

Jesse Marlow v. State:

Marlow was convicted in the Circuit Court of Seminole County of manslaughter and upon writ of error the judgment of the trial court was reversed.

Harry Sergeant and C. J. Thorpe v. State:

Plaintiffs in error were convicted in the Criminal Court of Record of Volusia County upon an information charging them jointly of unlawfully catching food fish other than flounders in the waters of Mosquito Lagoon. A writ of error was taken to the Circuit Court of Volusia County and upon review of the record the judgment and sentence of the trial court was affirmed. Thereupon plaintiffs in error sued out a writ of Habeas Corpus made returnable before Judge Perkins and upon a hearing the petitioners were remanded. Upon writ of error to the Supreme Court the judgment of the Circuit Court was reversed.

Alfred McDonald and Anchor Damguard v. State:

Plaintiffs in error were convicted in the Criminal Court of Record of Volusia County upon an information charging them jointly of unlawfully catching food fish other than flounders in the waters of Mosquito Lagoon. A writ of error was taken to the Circuit Court of Volusia County and upon review the judgment of the trial court was affirmed. Thereupon plaintiffs in error sued out a writ

of Habeas Corpus made returnable before Judge Perkins and upon a hearing the petitioners were remanded to the custody of the Sheriff. Upon writ of error to the Supreme Court the judgment of the Circuit Court was affirmed.

H. S. Walker v. State:

Walker was convicted in the Criminal Court of Record of Volusia County for obtaining property by false pretenses. The case was tried by Judge Warlow of the Criminal Court of Record of Orange County, Judge Bert Fish having filed a suggestion of his disqualification to try the case. Upon writ of error the judgment and sentence of the trial court was reversed upon the insufficiency of the evidence to sustain the charge.

Will Moore v. State:

Will Moore was convicted in the Circuit Court of Bradford County of murder in the first degree without recommendation to mercy. Upon writ of error the judgment and sentence of the trial court was affirmed.

George McNealy v. State:

McNealy was convicted in the Circuit Court of Calhoun County and upon failure to file the record and brief within the time required by law the case was dismissed on motion of Attorney General.

Lawrence Miller v. State:

Miller was convicted in the Circuit Court of Polk County of an assault with intent to murder, and upon writ of error the judgment of the Circuit Court was affirmed.

Carlos Rivero v. State:

Rivero was convicted in the Circuit Court of Monroe County and upon his failure to file the record and brief within time required by law the case was dismissed on motion of Attorney General.

M. W. Maples v. State:

M. W. Maples was convicted in the Circuit Court of Alachua County of manslaughter and upon writ of error the judgment of the trial court was affirmed.

Charlie Williams v. State:

Williams was convicted in the Circuit Court of Duval County and upon his failure to file the record and brief within the time required by law the case was dismissed on motion of Attorney General.

J. F. Boudoin and J. E. Pridgeon v. State:

Plaintiffs in error were convicted in the Circuit Court of Taylor County for second offense of larceny of hogs and upon writ of error the judgment of the trial court was reversed.

Lucy Andrews v. State:

Lucy Andrews was convicted in the Circuit Court of DeSoto County for murder in the first degree with recommendation to mercy. Upon writ of error the judgment of the trial court was reversed because of the failure of the verdict to name the degree of homicide.

J. C. Clark v. State:

Clark was convicted in the Circuit Court of Jackson County of embezzlement and upon writ of error the judgment of the trial court was reversed.

J. L. Revels v. State:

Revels was convicted in the Circuit Court of Lake County for breaking and entering with intent to commit a felony. Upon writ of error the judgment of the trial court was reversed.

B. M. Balbotine v. State:

Balbotine was convicted in the Criminal Court of Record of Hillsborough County for violating the saloon screen law. Upon writ of error the judgment of the trial court was reversed.

Gilbert Brookins v. State:

Brookins was convicted in the Criminal Court of Record of an assault and battery. Upon writ of error to the Supreme Court the case was dismissed, the case being a misdemeanor only the Circuit Court of said county had appellate jurisdiction, the verdict being for a misdemeanor.

Warren Hay v. State:

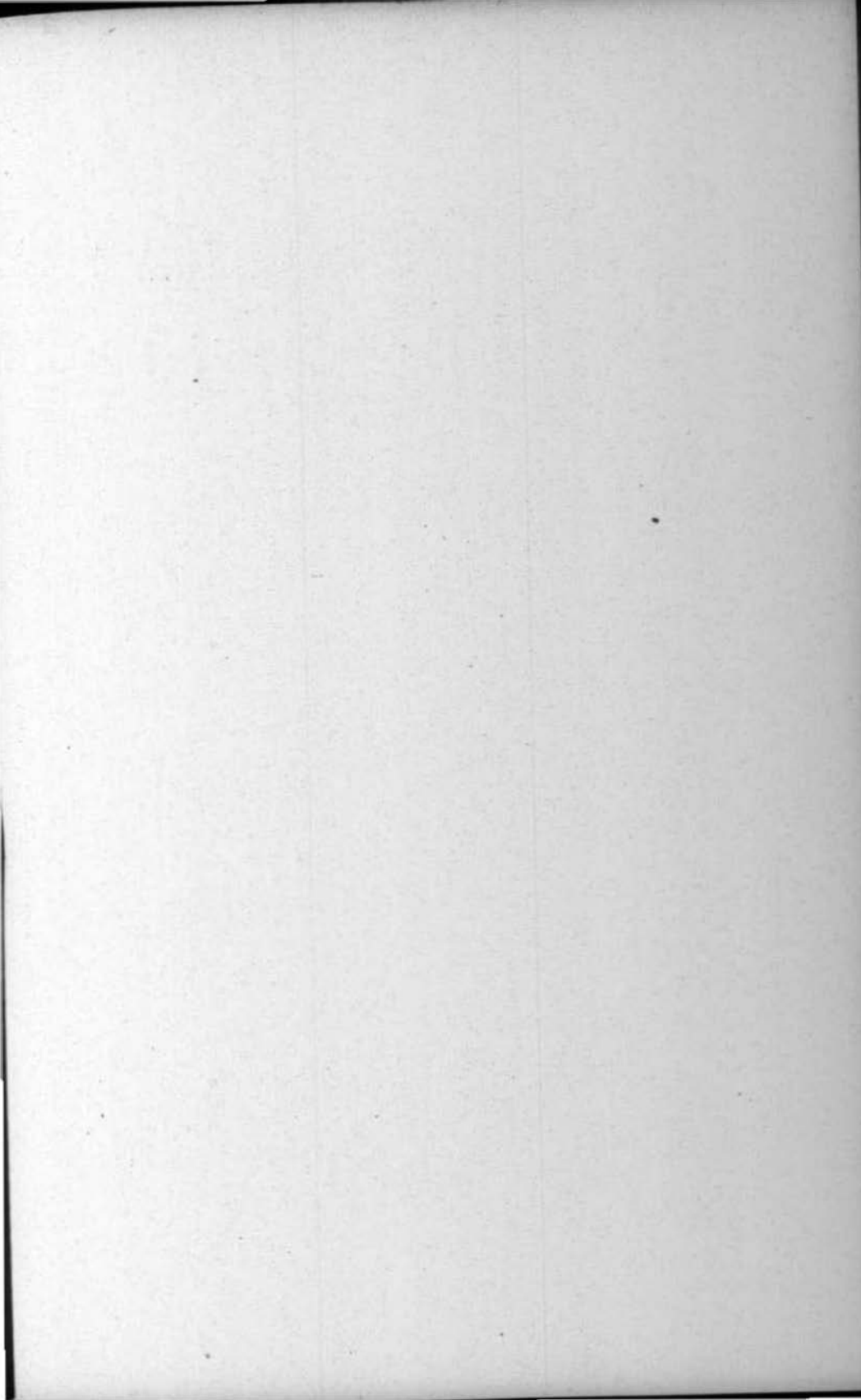
Warren Hay was convicted in the Circuit Court of Osceola County for effecting a clandestine marriage with an unmarried female under the age of sixteen years. Upon writ of error the judgment of the trial court was reversed.

Charles Bennett v. State:

Charles Bennett was convicted in the Criminal Court of Record of Volusia County of grand larceny and upon writ of error the judgment and sentence of the trial court was affirmed.

Elizabeth (Sis) Johnson v. State:

Plaintiff in error was tried and convicted in the Circuit Court of Calhoun County in 1912 upon an indictment charging her jointly with one Monroe Bess for the murder of James Whiddington and the jury returned a verdict of murder in the first degree with recommendation to mercy and upon writ of error the judgment of the Circuit Court was reversed. The case was again tried upon the same indictment and the jury returned a verdict of murder in the first degree without any recommendation and she was sentenced to be hanged. Upon writ of error to the Circuit Court the judgment was again reversed and a new trial awarded.



TABULATED REPORT OF CRIMINAL CASES IN WHICH OPINIONS WERE FILED BY
THE SUPREME COURT DURING ITS JANUARY TERM 1913 AND REPORTED
IN SIXTY-FIFTH FLORIDA REPORT.

Name of Offender.	Character of Offense.	County.	Court.	Disposition.
C. R. Ammons	Intercourse with unmarried female under 18 years of age.	Duval	Criminal	Affirmed.
E. F. Andrews	Murder 1st degree.	Manatee	Circuit	Affirmed.
Alexander Bell	Desertion of wife and child.	Escambia	Court of Record	Affirmed.
Willis Bennett	Perjury.	Calhoun	Circuit	Affirmed.
Harry Bonaparte	Embezzlement.	Duval	Criminal	Reversed.
Albert A. Carter	Extradition (Habeas Corpus).	St. Johns.	Circuit	Affirmed.
Chas. P. Cochran	Murder 2nd degree.	Monroe	Circuit	Reversed.
Arthur Daughtry	Fraudulently marking an animal.	De Soto	Circuit	Reversed.
Joe Gillyard	Murder 1st degree.	Volusia	Circuit	Affirmed.
Hazel Johnston	Violation local option law; second offense.	Santa Rosa	Circuit	Affirmed.
Pinkey Jones	Murder 1st degree	Santa Rosa	Circuit	Affirmed.
H. C. Mashburn	Road Defaulter (Habeas Corpus).	Jackson	Circuit	Affirmed.
Thos. B. Owens	Murder 2nd degree.	Jackson	Circuit	Affirmed.
Fierce Palmore	Assault to commit manslaughter.	Walton	Criminal	Affirmed.
T. J. Pitchford and Alicia Clark	Open and gross lewdness.	Dade	Criminal	Affirmed.

James Platt and Elijah Bellamy	Murder first degree.	Clay	Circuit	Reversed.
Calvin Rhodes	Assault to murder.	Lake	Circuit	Affirmed.
Lawrence Russell	Grand Larceny.	Monroe	Criminal	Affirmed.
S. J. Sligh	Shipping unripe citrus fruit.	Orange	Circuit	Affirmed.
Collin Smith	Forgery.	Walton	Criminal	Affirmed.
J. K. Stokes	Fraudulently marking an animal.	Leon	Circuit	Reversed.
John D. Vann and Edmond Hagan	Unlawful fishing (Habeas Corpus).	Volusia	Circuit	Affirmed.
Johnson Williams	Assault to murder.	Osceola	Circuit	Affirmed.

CASES DISPOSED OF DURING JUNE TERM 1913 AND REPORTED IN SIXTY-SIXTH
FLORIDA REPORT.

Name of Offender.	Character of Offense.	County.	Court.	Disposition.
William Atkins	Intercourse with unmarried female under 18.	Leon	Circuit	Affirmed.
Ollie Bennett	Manslaughter	Jackson	Circuit.	Affirmed.
Clarence Daly, <i>Ex parte</i> , Habeas Corpus	Rape	Dade.	Circuit.	Affirmed.
Dock Davis	Manslaughter	Wakulla	Circuit	Affirmed.
J. V. Denton	Drawing unlawful draft.	Orange.	Criminal	Reversed.
George Franklin	Receiving stolen property	Duval	Criminal	Reversed.
Louis Garfunkel	Embezzlement	Monroe	Criminal	Reversed.
John Hagan	Murder 1st degree	Volusia	Circuit	Affirmed.
W. J. Howell	Manslaughter	Columbia	Circuit	Affirmed.
Dock Ireland	Assault to murder	Hamilton	Circuit	Affirmed.
R. Percy Jones	Assault to murder	Hillsborough	Criminal	Affirmed.
Arch Lindsey	Manslaughter	Santa Rosa	Circuit	Affirmed.
C. A. Long	Intercourse with unmarried female under 18.	St. Lucie	Circuit	Affirmed.
Jack McClellan	Assault to murder	Jackson	Circuit	Affirmed.
Guss McGriff	Violation local option law	Seminole	Circuit	Affirmed.
Ed Penuel	Embezzlement	Jackson	Circuit	Affirmed.

Frank R. Pou	Habeas Corpus (Falsifying Registration)	Escambia	Court of Record	Affirmed.
D. M. Seymore and C. P. Aikin	Burning insured building.	Marion.	Circuit	Affirmed.
Jeremiah Smith	Murder 2nd degree	Washington	Circuit	Affirmed.
A. C. Teston and Mattie Bridges	Adultery	Hillsborough	Criminal	Reversed.
Harrieson Thompson	Violation of Local Option Law; second offense	Volusia	Criminal	Reversed.
Joe Turner	Assault to rape female child under 10	Walton	Criminal	Affirmed.
Julius Vicente and Victor Dean	Breaking and entering	Monroe	Criminal	Reversed.

CASES DISPOSED OF DURING JANUARY TERM 1914 AND REPORTED IN
SIXTY-SEVENTH FLORIDA REPORTS.

Name of Offender.	Character of Offense.	County.	Court.	Disposition.
Arnold Baxter	Larceny of a cow	Seminole	Circuit	Reversed.
C. G. Bonner, Melt Bonner and Cleve- land Bonner	Murder in 1st degree	Washington	Circuit	Affirmed.
Isaac Coley	Murder in 2nd degree	Clay	Circuit.	Reversed.
Clarence Daly	Rape	Dade	Circuit	Affirmed.
Pleas Lindsey	Assault to murder	Santa Rosa	Circuit	Affirmed.
John Mathis, A. C. Har- rison and J. C. Mc- Donald	Larceny of a cow	Hillsborough	Criminal	Writ dis- missed.
J. W. Moneyham	Obtaining money by false pre- tenses.	Jackson	Circuit	Reversed.
James Spanish	Robbery	Duval	Criminal	Reversed.
W. S. Sweeting	Receiving stolen goods	Dade	Criminal	Reversed.
J. H. Taylor	Shooting into dwelling house	Duval	Criminal	Reversed.
Rowman Ward	Murder 1st degree	Liberty	Circuit	Reversed.

CASES DISPOSED OF DURING JUNE TERM 1914 AND TO BE REPORTED IN SIXTY-
EIGHTH FLORIDA REPORTS.

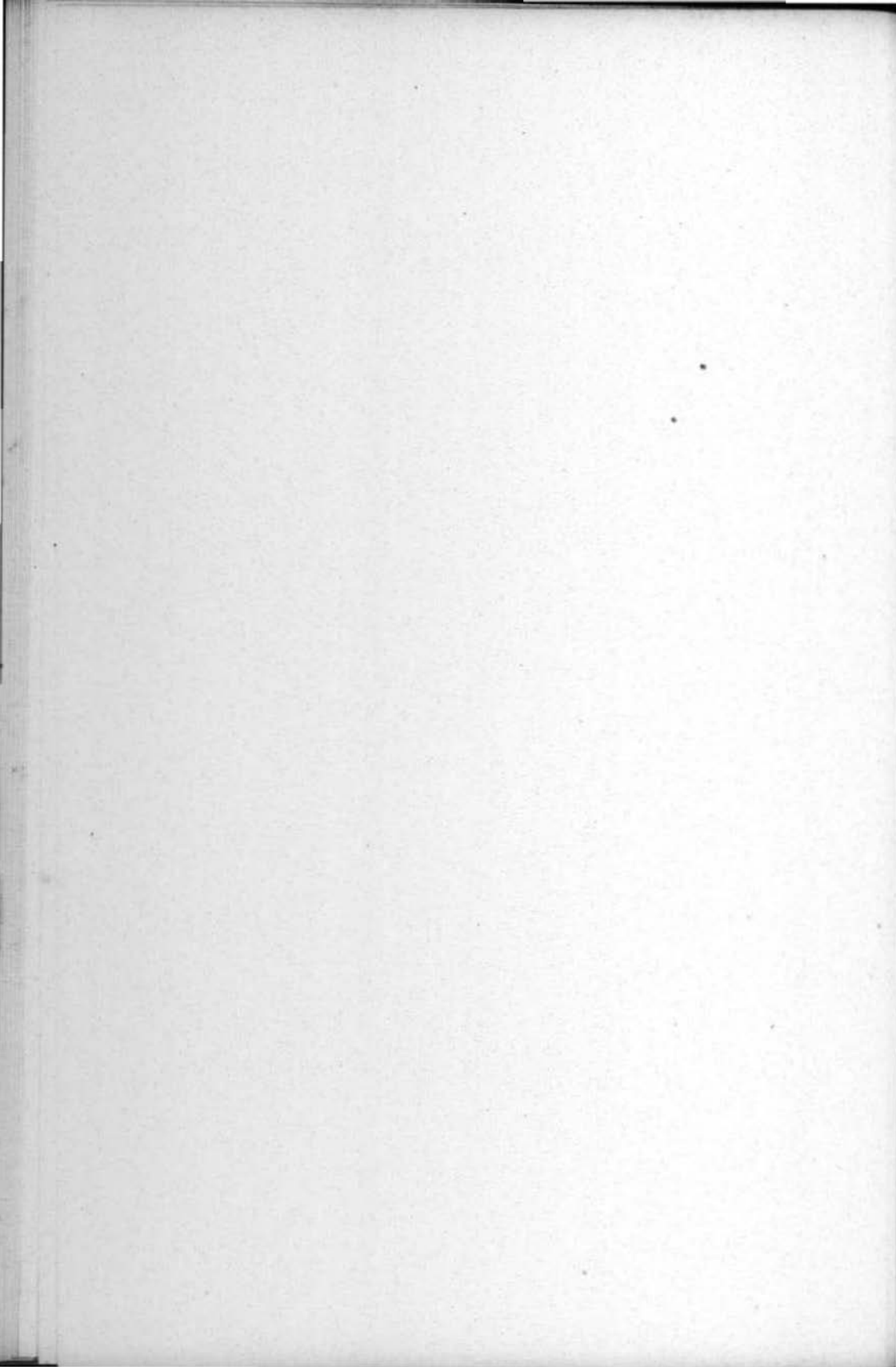
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Name of Offender	Character of Offenses	County	Court	Disposition.
John D. Noble	Practicing dentistry unlawfully	Suwannee	Circuit	Affirmed.
Will Evans	Assault to murder	Duval	Criminal	Affirmed.
Frank Chancy	Manslaughter	Holmes	Circuit	Affirmed.
Jesse Barnes and Joe Barnes	Murder second degree	Holmes	Circuit	Affirmed.
Rich Martin	Murder second degree	Holmes	Circuit	Affirmed.
H. M. Owens	Manslaughter	Alachua	Circuit	Reversed.
Roy Sikes	Manslaughter	St. Lucie	Circuit	Affirmed.
Wilson Reeves	Murder first degree	Brevard	Circuit	Affirmed.
Jeremiah Davis	Murder first degree	Calhoun	Circuit	Affirmed.
Claude Carter	Carnal intercourse with unmar- ried female under 18 years of age	St. Johns	Circuit	Affirmed.
Lonny Roland	Murder first degree	Duval	Circuit	Affirmed.
Eddie Coleman	Habeas Corpus from conviction of assault	Volusia	Criminal	Affirmed.
Ivey Williams	Manslaughter	Suwannee	Circuit	Affirmed.
Joseph Dykes	Assault to rob	Palm Beach	Circuit	Affirmed.

CASES DISPOSED OF DURING JUNE TERM 1915 AND TO BE REPORTED IN SIXTY-
EIGHTH FLORIDA REPORTS.

Name of Offender	Character of Offenses	County	Court	Disposition.
Henry Williams	Assault to rob	Citrus	Circuit	Reversed.
Anita Buie and Judge D. Ruffian	Murder second degree	Citrus	Circuit	Affirmed.
Jake Reed	Murder second degree	Duval	Circuit	Affirmed.
Thomas Pickett	Murder second degree	Duval	Circuit	Affirmed.
John L. Dedge	Murder second degree	Duval	Circuit	Affirmed.
J. E. Britton	Perjury	Citrus	Circuit	Affirmed.
Jesse Marlow	Manslaughter	Seminole	Circuit	Reversed.
Harry Seargent and C. J. Thorpe	Habeas Corpus	Volusia	Circuit	Reversed.
Alfred McDonald and Anchor Dam- guard	Habeas Corpus	Volusia	Circuit	Reversed.
H. S. Walker	Obtaining property by false repre- sentations	Volusia	Circuit	Reversed.
Will Moore	Murder first degree	Bradford	Circuit	Affirmed.
George McNealy		Calhoun	Circuit	Dismissed.
Lawrence Miller	Assault to murder	Polk	Circuit	Affirmed.

Carlos Rivero		Monroe	Circuit	Dismissed.
M. W. Maples	Manslaughter	Alachua	Circuit	Affirmed.
Charlie Williams		Duval	Circuit	Dismissed.
J. F. Boudoin and J. E. Pridgeon	Second offense of larceny of a hog	Taylor	Circuit	Reversed.
Lucy Andrews	Murder first degree	DeSoto	Circuit	Reversed.
J. C. Clark	Embezzlement	Jackson	Circuit	Reversed.
J. L. Revels	Breaking and entering	Lake	Circuit	Reversed.
B. M. Balbotine	Violating asloon law	Hillsborough	Criminal	Reversed.
Gilbert Brookins	Assault and battery	Orange	Circuit	Dismissed.
Warren Hay	Clandestine marriage	Osceola	Circuit	Reversed.
Charles Bennett	Grand Larceny	Volusia	Criminal	Affirmed.
Elizabeth (Sis) Johnson	Murder first degree	Calhoun	Circuit	Reversed.



OFFICIAL OPINIONS.

FOR THE YEARS 1913 AND 1914.

OPINIONS TO GOVERNOR.

OFFICES—HOLDING UNITED STATES AND STATE
AT SAME TIME.

Tallahassee, Fla., March 27, 1913.

*Hon. Park Trammell, Governor,
Tallahassee, Florida.*

Sir:—

Yours of 20th inst. has been received. I note your request that I advise as to whether or not a person, who is a County Commissioner, can also serve as Acting Assistant Surgeon and Quarantine Inspector for the United States Government. This office has passed upon this question under date of May 23rd, 1912, upon request of your predecessor for advice as to whether or not it is legal for one to hold the office of Pilot Commissioner and Quarantine Physician at the same time. You will find the opinion quoted at pages 76 and 77 of the report of this office for the years 1911 and 1912.

The rule stated and conclusion reached in that case are, in my opinion, applicable to this case.

I concur in the views therein expressed.

Very respectfully,

T. F. WEST,

Attorney General.

APPROPRIATION FOR PURE FOOD AND DRUG
INSPECTORS.

Tallahassee, Fla., June 30, 1913.

*Hon. Park Trammell, Governor,
Capitol.*

Dear Sir:—

Yours of 20th inst. has been received. I note your reference to Sections 10 and 11 of Chapter 6541, commonly called the "Pure Food and Drug Act," and Chapter 6423, the General Appropriation Act, and your request for an opinion as to whether or not the Legislature has, by these Acts, made an appropriation for the salary and traveling expenses of four, or only *three* inspectors under the first mentioned Act.

In my opinion, the language employed in the Pure Food and Drug Act cannot be construed as an appropriation of the amount mentioned.

This Act fixes the salaries to be paid to the officers and employees named and purports to direct that the sum mentioned "shall be" annually appropriated by the Legislature for the payment of same, but does not in apt language appropriate and authorize the payment from the Treasury of such salaries.

The General Appropriation Act passed during the same session (having been introduced in the House at a later date and after the Pure Food and Drug Act had passed the House) in express terms and in unmistakable language appropriates, as salaries for three inspectors, the amount fixed as salaries for them in the Pure Food and Drug Act, thus strongly indicating that the Legislature understood that, although it had fixed the amount of the salaries to be paid such inspectors, it was necessary

to make an appropriation of the amount necessary to pay such salaries.

I am therefore of the opinion that a proper interpretation of the language of the two Acts necessarily leads to the conclusion that the Legislature has made an appropriation to pay the salaries and traveling expenses of only *three* such inspectors.

Respectfully submitted,

T. F. WEST,

Attorney General

RELIGIOUS DENOMINATIONS—PUBLIC SCHOOL
MONEY TAKEN IN AID OF ANY.

Tallahassee, Fla., Aug. 25, 1913.

*Hon. Park Trammell, Governor,
Tallahassee, Florida.*

Dear Sir:—

I am in receipt of your communication of the 20th inst., as follows:

"I am handing you herewith certain complaint which has been filed with me wherein it is alleged that the School Board of St. Johns County has been paying out school funds in violation of Section 13 of Article 12 of the Constitution, which said Section provides that no part of the school funds shall be used for the support of sectarian schools. You will also find herewith two statements made by the School Board relative to the complaint. You are respectfully requested to advise me as to whether or not in your opinion the facts contained in the enclosures constitute a violation of said Section 13 of Article 12 of the Constitution."

The complaint referred to is made by a number of cit-

izens of St. Johns County and, in substance, is that the Board of Public Instruction of St. Johns County is paying out school funds in violation of Section 13 of Article XII of the Constitution of this State.

The statement of the Board of Public Instruction referred to in your communication, relating to the matter out of which the complaint arises, contains the following:

"The Board, with its Secretary and Snuperintendent, and its attorney, have investigated the premises as best within their power, and visited and consulted with the

Sister Mary Louise, the Mother Superior of the Sisters of St. Joseph, and Sister Agnita, the Principal of School Number 12 of St. Johns County, Florida, made statements to us relating to the conditions which existed in Schools Number 12 and 13 of St. Johns County, Florida, during the past scholastic year.

That the public school warrants were made payable to 'Sisters of St. Joseph' and are placed in the treasury of and as funds in the hands of that organization, which is a Sisterhood, composed of Roman Catholics, and is incorporated under the laws of the State of Florida. None of the teachers' salary has been paid direct to the individual sister or teacher, but to the corporation.

The payment of salary as per the teachers' list for St. Johns County, Florida, in reference to these schools is as follows: Four teachers in School Number 12, receive each monthly salary of \$20, and one teacher received the salary of \$40 per month; in School Number 13, one teacher receives the salary of \$45 per month, and another teacher receives the salary of \$20 per month.

School Number 12 is a school building situated within the convent grounds of St. Joseph convent and is not owned by the Roman Catholic Church but is owned by the Sisters of St. Joseph. The Convent and convent grounds is also owned by the Sisters of St. Joseph. The Sisters of St. Joseph, Incorporated, is in charge of the

Schools Number 12 and 13 of St. Johns County, Florida, no other teachers being employed there except those of the sisterhood.

The Roman Catholic Catechism is taught in School Number 12, but not during regular school hours—in fact before and outside of school hours—and the pupils are not compelled to learn the same. The Catechism is not taught in School Number 13 at all—thas is, not in the school house—but is taught by the Sisters of St. Joseph in another building which is separate and distinct from that school.

In Public School Number 12, Holy Days of Obligation, about two or three per year, are observed by the Sisters or teachers and pupils, and the pupils are dismissed for those days from their studies. The sisters open the school year in Number 12 at least one week before the opening of the regular public school year term to make up for any time that may be lost by reason of observance of the above holidays.

The children of School Number 12 are taken at 11:30 a. m. of Friday of each week during the school year, from the public school building to the Convent Auditorium of the Sisters of St. Joseph where they have ample musical instrument, and are taught Roman Catholic Hymns and National Hymns and airs. All of the children are expected to sing.

The sisters or teachers of said Schools Number 12 and 13 are always garbed in the robes of their sisterhood and wear the symbols of their Order, the cross or the crucifix."

The provision of the Constitution of this State which it is alleged is violated by the Board is Section 13 of Article XII of the Constitution, reading as follows:

"No law shall be enacted authorizing the diversion or the lending of any county or district school funds or the appropriation of any part of the permanent or available school fund to any other than school purposes; nor shall

the same, or any part thereof, be appropriated to or used for the support of any sectarian school."

In considering this matter, it is proper to refer also to Sections 5 and 6 of the Declaration of Rights of the Constitution, reading as follows:

Section 5. "The free exercise and enjoyment of religious profession and worship shall forever be allowed in this State, etc."

Section 6. "No preference shall be given by law to any church, sect or mode of worship, and no money shall ever be taken from the public treasury directly or indirectly in aid of any church, sect or religious denomination, or in aid of any sectarian institution."

It is also proper to have in mind the following provisions of Article XII of the Constitution:

Section 1. "The Legislature shall provide for a uniform system of public free schools and shall provide for the liberal maintenance of the same."

Section 4. "The State school fund, the interest of which shall be exclusively applied to the support and maintenance of public free schools, shall be derived from the following sources: etc."

Section 8. "Each county shall be required to assess and collect annually for the support of public free schools therein, a tax of not less than three nor more than seven mills on the dollar of all taxable property in the State."

It is averred in the complaint made that the Board of Public Instruction of St. Johns County, in paying out school funds for the maintenance of Schools Number 12 and 13, in the manner stated in the complaint and as explained by the Board in its statement to you as herein set out, violates the terms of Section 13 of Article XII of the Constitution.

This provision of the Constitution, in my judgment, is self-executing. It requires no Act of the Legislature to

become operative, but of itself controls all legislation upon the subject, and limits the powers of all public officers in appropriating or using county or district school funds. It prohibits the appropriation or use of any such funds for the support of any sectarian school.

The school fund of St. Johns County is a county school fund, collected from taxes imposed upon all alike, without regard to sectarian beliefs or affiliation.

The apparent design of the Constitution makers was to provide public schools free to all the youth of the State, divorced entirely from any sectarian influences.

In this case it appears, from the statement of the Board of Public Instruction, that Schools Number 12 and 13 of St. Johns County are conducted by the "Sisters of St. Joseph," a Sisterhood composed of Roman Catholics; that School Number 12 is a school building within the convent grounds of St. Joseph Convent, owned by the Sisters of St. Joseph; that the Sisters of St. Joseph teach those who attend such schools, no other teachers being employed there; that the Roman Catholic Catechism is taught in School Number 12 outside of school hours; that the Catechism is not taught in School Number 13, but is taught by the sisters in another building which is separate and distinct from that school; that in School Number 12 Holy Days of Obligation, about two or three per year, are observed; that the children of School Number 12 are taken on Fridays of each week to the Convent Auditorium of the Sisters of St. Joseph and are taught Roman Catholic Hymns and National Hymns and airs, all of the children being expected to sing; that the sisters, who are teachers in such schools are always garbed in the robes of their sisterhood and wear the symbols of their order, the cross or crucifix; and that the school warrants for the maintenance of such schools are made payable to "Sisters of St. Joseph," a Corporation.

The appropriation or use of any portion of the school

funds of St. Johns County to support a school conducted in this way, in my opinion, violates the Constitutional inhibition referred to, and is therefore unauthorized.

Respectfully submitted,

T. F. WEST,
Attorney General.

HORSE-HIRE FOR SHERIFFS.

Tallahassee, Fla., Jan. 10, 1914.

Hon. Park Trammell,
Governor.

Dear Sir:—

Yours of the 10th inst. has been received.

I note your inquiry, as follows:

"I am handing you herewith a letter from Hon. H. E. Carter, Attorney for the Board of County Commissioners of Suwannee County, wherein he desires to know as to whether or not a sheriff in making an arrest upon a warrant issued in one county and served in another has the right to charge one dollar for horse hire, as per within statement made against the Sheriff of Suwannee County by the Sheriff of Duval County. Will you please advise as to whether or not charges for horse-hire is proper in such cases."

On March 6th last Mr. Carter wrote this office on the same subject, as follows:

"Section 1683 of the General Statutes of the State of Florida, fixing the compensation of sheriffs, among other things provides, 'Horse hire, no more per day than \$1.00.' The Board of County Commissioners of Suwannee County, Florida, respectfully request your construction

of the quoted paragraph of said Section, and have directed to me, as their attorney, to take the matter up with you for this purpose.

Your consideration of, and attention to, this question will be highly appreciated by said Board."

Replying to Mr. Carter's request, I expressed my views upon the subject as follows:

"In my judgment, a proper construction of the paragraph of the section quoted by you is, that the County Commissioners may allow, in proper cases, the item mentioned, viz.: 'Horse hire, no more per day than \$1.00,' but what is a proper case in which to allow this item is not entirely clear. It does not mean, in my opinion, that this item should be charged in each case of service made by the sheriff, or for each day without regard to service rendered. Since the sheriff is paid mileage for distances actually travelled in rendering service to the county, the law does not contemplate that a conveyance should be supplied by the county, and therefore, I would say that in cases of emergency where a situation arises which was not contemplated or expected by the sheriff, and it therefore becomes necessary that he engage a conveyance in order to properly perform the service, that then this charge may appropriately be made, the county commissioners having discretion to determine the necessities of the case, and each case to be considered from the circumstances surrounding it, and in the consideration of such cases, the county commissioners should have in view Section 1737 of the General Statutes, prohibiting improper charges against the county."

Prior to that time, and on November 4th, 1911, in a communication from this office to the Governor, the following opinion on this subject was rendered:

"I find no law authorizing the Commissioners to pay the sheriff for 'Horse Hire \$1.00 per diem, per month \$30.00.' While Section 1683, provides for 'horse hire, no

more per day than \$1.00.' I do not think the law contemplates that the sheriff shall have a horse furnished to him regularly at the expense of the county."

Replying now to your inquiry, I will say that I am of the opinion that the above expressions from this office correctly state the law upon this subject.

The statute referred to should not be construed as authorizing the charge to be made in all cases or for each day, but as fixing and limiting the amount to be allowed in cases in which the charge is deemed a proper one, as above indicated.

Respectfully submitted,

T. F. WEST,

Attorney General.

GAME WARDENS—EXPENSES OF WHILE ACTING
UNDER SPECIAL INSTRUCTIONS.

Tallahassee, Fla., Feb. 17, 1914.

*Hon. Park Trammell, Governor,
Tallahassee, Florida.*

Dear Sir:—

Yours of the 17th inst. has been received.

I note your inquiry, which is stated as follows:

"Some question having arisen as to whether or not county game wardens are entitled to their expenses while rendering special services, I would be glad for you to kindly give me your opinion as to whether or not such expense account should be allowed in addition to the three dollars per day compensation which is provided for in Section 19 of Chapter 6535. You will note that Section 32 of the same Chapter makes some reference to allowance for expenses."

Section 19 of Chapter 6535 reads as follows:

"Game and Fish Wardens acting under special instructions shall receive \$3.00 per day for their services."

It will be noted that the compensation to game and fish wardens provided for by this section of the statute is a *per diem* for *services* when acting under special instructions.

That portion of Section 32 of the statute that has reference to this inquiry is as follows:

"All moneys sent to the State Treasurer in payment of hunting licenses, fines, penalties, and forfeitures arising from the Game Laws of this State, shall be set aside by the State Treasurer and shall constitute a fund known as the Game Fish Protection Fund for the payment of the salary of the State Game and Fish Commissioner and his necessary incidental expenses as hereinbefore provided. Also the payment of the expenses of the Game and Fish Wardens when acting under special instructions."

If a county game warden performs special services under special instructions within the meaning of Section 19, he would, in my opinion, be entitled, under the provisions of this section, to compensation at the rate of \$3.00 per day for his *services* during the time for which he was so employed; and under the provisions of Section 32, above quoted, he would be entitled also to the payment of the *expenses* incurred by him when acting under special instructions.

Respectfully submitted,

T. F. WEST,

Attorney General.

COUNTY SCHOOL FUND LIABLE FOR FEES OF
COUNTY TREASURER IN RECEIVING AND
DISBURSING SCHOOL MONEYS.

Tallahassee, Fla., March 3, 1914.

*Hon. Park Trammell, Governor,
Tallahassee, Florida.*

Dear Sir:—

Yours of the 27th ult. has been received.

I note your inquiry, as follows:

“In a report made by State Auditor Ernest Amos upon the condition of the records of certain of the County officers of Duval County, I find the following:

‘The books of the School Board show the Ex-Treasurer, Mr. A. W. Barrs, to be indebted to the school fund in the sum of \$7,928.92, which amount was retained by Mr. Barrs when he retired as County Treasurer to pay commissions alleged to be due him as County Treasurer by the said School Fund, which were refused payment by the Board.’

I am further informed by the Auditor that the Board of County Commissioners took the position that the County Treasurer should not be paid out of the General Revenue Fund for handling the School fund, and that the County School Board took the position that the County Treasurer should not be paid his commissions out of the School Fund for handling of the School funds. As a result of this action on the part of the two boards, it appears that Mr. Barrs withheld from the School Fund the commissions due him on account of the School funds received and paid out by him.

You will kindly advise me as to whether or not the said commissions should have been paid from the General

Revenue Fund or from the County School Fund. You will also kindly advise as to whether or not Mr. Barrs had any authority to withhold the said commissions."

This question was submitted by the Governor to this office on October 28th, 1911, as follows:

"The following is a quotation from the report of the State Auditor, dated October 27th, referring to Duval County:

'It appears that the Treasurer is in this predicament. Both the School Board and the County Commissioners refuse to pay his commissions for receiving and disbursing the school funds. There is no question of the correctness of his bill, but each board contends that the other should pay it. It is customary for the School Fund to pay these commissions and in my judgment should be paid out of this fund.

Kindly let me know from which fund these commissions should be paid.'

An opinion in reply to this inquiry was rendered in the following language:

"That in my judgment the School Board should pay the commissions due the Treasurer for receiving and disbursing the school funds."

It will be noted, that the question then submitted and ruled upon is the same question presented by your inquiry.

The authority for the conclusion reached is Section 15 of Article XII of the Constitution of the State, and Section 820 of the General Statutes of the State.

I concur in the views expressed in the opinion.

Section 820, above referred to, reads as follows:

"The treasurer of the county school fund shall be paid for receipts and disbursements of county school funds the same commissions allowed by law to county treasurer."

ers for receipts and disbursements of county funds, the said commissions to be paid by the County Board of Public Instruction from the county school fund upon vouchers approved by the County Board of Public Instruction."

It will be noted that the commissions to be paid to the Treasurer by the County Board of Public Instruction, are required by this statute to be paid upon vouchers approved by the County Board of Public Instruction. It follows, therefore, that the Treasurer is not authorized to withhold this commission, but should be paid such commissions in the manner prescribed by this statute.

Respectfully submitted,

T. F. WEST,
Attorney General.

FEES OF COUNTY GAME WARDENS.

Tallahassee, Fla., June 12, 1914.

*Hon. Park Trammell, Governor,
Tallahassee, Florida.*

Dear Sir:—

Yours of the 13th ultimo has been received.

I note your inquiry, as follows:

"Section 21 of Chapter 6535 of the Laws of Florida reads as follows, to-wit:

'Each County Warden shall receive an amount equal to one-fourth of all fines and penalties collected in the county in which he holds office, imposed for violations of any game and fish law of this State where he does not furnish the evidence necessary to convict; and in all cases in which the County Warden furnishes the evidence to convict, he shall receive an amount equal to three-fourths

of all fines and penalties collected in the county in which he holds office, imposed for violations of any game and fish law of this State. Said sums of money shall be paid out of the fine and forfeiture fund of such county by warrant to be issued by the Boards of County Commissioners of such counties.'

A question has arisen as to whether or not under the provisions of the law quoted above a county game warden would be entitled to receive the compensation allowed in this law in a case where a person, who was sentenced to pay a fine of a certain sum, or in default should serve a certain time in prison, did not pay the fine but satisfied the sentence of the court by imprisonment for the required time. I beg to ask that you kindly give me your opinion as to whether or not the game warden would be entitled to the compensation as provided in this section where he did not in fact pay the fine, but served the time required of him in prison."

It will be noted that the section of the statute quoted fixes the compensation of each County Game Warden at "an amount equal to one-fourth of all fines and penalties collected in the county," which are imposed for violations of any game or fish law of this State, in cases in which he does not furnish the evidence upon which a conviction is founded, and at "an amount equal to three-fourths of all fines and penalties collected in the county," which are imposed for violations of any game or fish law of this State, in causes where he furnishes the evidence upon which a conviction is founded.

The purpose of the statute is to prescribe the amount of compensation of the officer. He is not to receive one-fourth of the amount collected in one case, and three-fourths of the amount collected in the other case; but he is to receive a sum equal to one-fourth of the amount collected in one case, and a sum equal to three-fourths of the amount collected in the other case.

It will be noted, also, that the compensation prescribed is a sum which is equal to a fractional part of the amount *collected*. The word "collected," in the sense in which it is used here, has a well known meaning, and the Legislature must be presumed to have had regard for the meaning of the word when it was used in the statute.

The question which forms the basis of your inquiry, as I understand it, is can a prison sentence imposed under the statute mentioned be regarded as a fine and penalty *collected*, in contemplation of the statute quoted; and, if so, what shall be the basis of the calculation for ascertaining the amount of the compensation to be paid the County Warden in such cases?

Suppose an offender is convicted and a sentence of ninety days' imprisonment in the county jail is imposed upon him. Can this sentence of imprisonment be construed as a fine and penalty *collected* under the statute fixing the compensation of the officer? If so, what amount should be paid to the officer as his fees if the sentence is served in jail; or what amount should be paid to him if the sentence is served, as it may be, at hard labor on the public roads of the county; or what amount should be paid to him in case the prisoner is leased, as he may be, for the period of the sentence to some one else for a stipulated consideration paid to the county; and when should the fine and penalty (if the term as here used can be applied to a prison sentence) be regarded as "collected?" Is it collected when the sentence is imposed, or when the term has been served? If the sentence is an alternative fine or in default of the payment thereof a prison sentence for a fixed period and the fine is not paid, but the term of imprisonment served, what then would be the basis for the measurement of the compensation of the officers in the case?

It seems to me that these questions demonstrate that the standard prescribed for the measurement of the com-

pensation of the officer cannot be applied in cases where the "fine and penalty" imposed and served is a prison sentence.

The amount of such "fine and penalty" is not susceptible of division so that a fractional portion, one-fourth of the value thereof in the one case, and three-fourths in the other, may be awarded to the officer; its value varies and may never be ascertained and fixed at a given amount.

Furthermore, the statute prescribes the source from which the compensation prescribed shall be derived, and thereby impliedly inhibits its payment in any other cases, thus indicating the intent and purpose of the Legislature not to burden the counties with the expense of another officer but to make the office self-supporting as to compensation.

My judgment is that the Legislature intended that the compensation of the officer should be the fractional portion stated of the amounts ascertained of fines and penalties actually paid to and collected by the counties; and I am, therefore, of the opinion that the compensation provided for is to be paid only in cases where pecuniary fines and penalties are imposed and collected from offenders and paid over to the County.

Respectfully submitted,

T. F. WEST,

Attorney General.

OPINIONS TO SECRETARY OF STATE.

PAYMENT OF POLL TAX NOT A PREREQUISITE TO
REGISTRATION FOR PRIMARY ELECTION.

Tallahassee, Fla., Jan. 24, 1914.

Hon. H. Clay Crawford,
Secretary of State,
Tallahassee, Fla.

Dear Sir:—

Yours of the 22nd inst. has been received.

I note your inquiry, which is stated as follows:

“There has arisen some confusion with the Supervisors of Registration as to the proper construction of Section 12 of Chapter 6469, Laws of Florida, as applied to payment of poll taxes as a prerequisite to registration.

Please advise me your construction of the said law.”

Replying to this inquiry, I will say that in my opinion the Legislature did not intend to require, and the language used in the statute should not be construed as requiring the payment of poll taxes as a prerequisite to registration for primary elections to be held in this State as provided for by Chapter 6469, Acts of 1913, Laws of Florida.

By reference to Section 11 of this statute, it will be seen that one may qualify to vote in the primary election by the payment of the poll taxes due by him on or before the second Saturday in the month preceding the month in which the election is held, whereas it is provided by Sections 9 and 10 of this Chapter that the registration books for primary elections must close several weeks before this time. The registration provided for is another and an independent registration from that required for

general elections. Under the statute above referred to each voter must register every two years. The registration books are now open for the first registration under this law. The Legislature certainly would not say that the payment of poll taxes is a prerequisite to registration and at the same time, in the same act, provide that one could qualify as a voter in a primary election by the payment of his poll taxes several weeks after the registration books for such primary election close.

The confusion probably arises because of the provision in the last sentence of Section 12 of the statute referred to requiring each person applying for registration to make oath that he is qualified to vote under the Constitution and Laws of the State of Florida. Reference is here made to the oath prescribed in Section 3 of Article VI of the Constitution which each elector is required to take and subscribe at the time of his registration. This Constitutional oath is required by Section 178 of the General Statutes, as it is by Section 12 of the primary law. It must be taken by each elector when he applies for registration in the registration books for general elections. The time for registering for general elections ends on the first Monday in August, preceding the general election in November (General Statutes, Section 183); and the time for registering for primary elections ends April 15th preceding the primary election in June (Primary Election Law, Section 10), whereas the time for the payment of poll taxes for general elections is extended to the second Saturday in October (General Statutes, Section 202), and the time for the payment of poll taxes for primary elections is extended to the second Saturday in May (Primary Election Law, Section 11).

So that it appears that in general elections, as well as in primary elections, the time for registration ends before the time for the payment of poll taxes does; and, so far as I know, there has never been any question but what a person applying for registration under the general elec-

tion law could take the Constitutional oath referred to, although at the time all poll taxes then due by such person had not been paid.

It has never been contended that the payment of poll taxes due is a prerequisite to registration for general elections, and, inasmuch as the statutes fixing the time for registration and the payment of poll taxes for primary elections are similar to the statute covering this subject for general elections, as has been shown, I conclude, as I have stated above, that the Legislature did not intend to require, and the statute should not be construed as requiring the payment of poll taxes as a prerequisite to registration for primary elections in this State.

Respectfully submitted,

T. F. WEST,

Attorney General.

PRINTING BALLOTS FOR PRIMARY ELECTION.

Tallahassee, Fla., March 28, 1914.

Hon. H. Clay Crawford,
Secretary of State,
Tallahassee, Fla.

Dear Sir:—

Yours of the 17th inst. has been received.

I note your inquiry, stated as follows:

“The question as to what order the statements of candidates should be printed in the pamphlet required to be published by the Secretary of State has arisen. It is clear that the order should be in conformity with the ballot, but from this conclusion evolves the further ques-

tion as to who shall have charge of the printing of the ballot—the statute providing that the order in which the titles to the several offices to be filled shall be arranged upon the ballot, shall be left to the direction of the officer in charge of the printing of the said ballots.”

The question to be answered is:

“Who shall have charge of printing the ballot for the primary election?”

Answering this question I would confirm what I stated orally to you when your letter was delivered to me, that in my opinion the law requires that the ballots for primary elections under the statute referred to shall be prepared by the same persons and in like manner as ballots for general elections are prepared.

The statute on the subject of primary elections does not expressly provide for the preparation of the ballots for such elections, but it is declared in Section 63 that the primary elections required by the Act, except as otherwise provided in the Act, shall be held in accordance with the provisions of the general election law; and in Section 8 it is provided, in substance, that the expenses of holding primary elections, “including the expenses of preparing all ballots,” shall be paid in the same manner as in the case of general elections.

Respectfully submitted,

T. F. WEST,

Attorney General,

WHEN CANDIDATES IN PRIMARY SHOULD
QUALIFY WITH SECRETARY OF STATE.

Tallahassee, Fla., April 24, 1914.

*Hon. H. Clay Crawford,
Secretary of State,
Tallahassee, Florida.*

Dear Sir:—

Yours of the 22nd inst. has been received.

I note your inquiry, stated as follows: .

"I am in receipt of a letter from Hon. John M. Gornto, dated 21st inst., transmitting papers to this office for qualification as a candidate for State Senate from the 12th Senatorial District, and enclosing his check for \$10.80 as a filing fee under the law.

I am submitting herewith his letter receipt for committee assessment and oath as required by Chapter 6469 Laws of Florida, with the request that you kindly advise me your opinion as to whether Mr. Gornto should so qualify by filing his papers and paying his filing fee as outlined in his letter."

The answer to this inquiry is found in Sections 25 and 26 of Chapter 6469, Laws of Florida, reading as follows: .

"Each candidate for nomination for an office to be voted for by the electors of more than one county shall file his sworn statement and receipt for committee assessment, if any has been levied, and pay his filing fee as herein required to the Secretary of State not less than thirty days previous to the day of the primary election."

"Each candidate for nomination for an office to be voted for wholly within a single county shall file his sworn statement and receipt for committee assessment, if any has been levied, with, and pay his filing fee as

herein required to, the Clerk of the Circuit Court of said county, who shall receive the same in his capacity as Clerk of the Board of County Commissioners of said county, not less than twenty days previous to the day of the primary election."

It will be noted that Section 25 expressly requires that each candidate for nomination for an office *to be voted for by the electors of more than one county* shall file his sworn statement and receipt for committee assessment, if any has been levied, and *pay his filing fee as herein required to the Secretary of State*; and that Section 26 requires that each candidate for nomination for an office *to be voted for wholly within a single county* shall file his sworn statement and receipt for committee assessment, if any has been levied, with, and *pay his filing fee herein required to the Clerk of the Circuit Court of said county*.

Senatorial District Number 12, in which Mr. Gornto is to be voted for as a candidate for the office of State Senator, is composed of more than one county.

I am, therefore, of the opinion that the statute requires that he file his sworn statement, and receipt for committee assessment, and pay the filing fee to you as Secretary of State.

Respectfully submitted,

T. F. WEST,

Attorney General.

OPINIONS TO STATE COMPTROLLER.

BASES FOR TAXATION OF BANKS AND TRUST
COMPANIES.

Tallahassee, Fla., April 7, 1913.

*Hon. W. V. Knott, Comptroller,
Tallahassee, Fla.*

Sir:—

I am in receipt of your communication, inclosing letters of Tax Assessors of Alachua and Suwannee Counties, relative to the differences of opinion held by them, and others, as to the construction and application of the various provisions of law relating to the taxation of property of banks, bankers, banking and trust companies and of national banking associations; and inviting attention to the following statutes:

“Sections 2719 to 2722 of the General Statutes of Florida; Sections 3, 5, 6, 8, 9, 16 and 49 of Chapter 5596 of the Laws of Florida; Sections 13, 17, 18, 19, 20 and 22 of Chapter 5596 of the Laws of Florida.”

Your inquiry in reference to the questions involved, is stated as follows:

“In order to secure uniform action on the part of the Tax Assessors, I respectfully request that you define the nature and character of the property that is to be assessed to ‘banks, bankers, banking firms or brokers, or associations of any kind that receive money or other values of any kind on deposit,’ including banking and trust companies and national banking associations.”

The statute prescribing the manner in which the assessment is to be made, and the property to be assessed,

is Section 8 of Chapter 5596 of the Laws of Florida, and reads as follows:

"The owner or holder of stock in any incorporated company doing business under corporate name shall not be taxed for such stock; Provided, That such stock is returned for taxation by such incorporated company and taxes are paid thereon by such company, or the property of said corporation is assessed for taxes where located and taxes are then paid on such property. All shares of banking associations organized within this State, pursuant to the provisions of Congress to procure a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, held by any person or body corporate, shall be included in the valuation of the personal property of such person or body corporate, in the assessment of taxes in the town or city where such banking association is located and not elsewhere, whether the holder resides there or not; but not at a greater rate than is assessed on other moneyed capital in the hands of individuals; and for the purpose of securing the collection of taxes assessed upon said shares, each banking association shall pay the same as the agent of each of its shareholders, and the said association may retain so much of any dividend belonging to any shareholder as shall be necessary to pay any taxes levied upon its shares."

Other sections mentioned by you are referred to, I assume, for the purpose of throwing some light and bearing in some degree upon the subject, although not in terms applicable thereto.

In considering this matter, it is necessary to have in mind Section 1 of Article IX of the Constitution of the State of Florida, as follows:

"The Legislature shall provide for a *uniform and equal rate of taxation*, and shall prescribe such regulations as shall secure a just valuation of all property, both real and personal, etc.

It is also necessary to have in mind that the statute above quoted, providing for the assessment of the property of banking and trust companies, applies not only to such banking institutions as are authorized by the State of Florida to do business, *but also to national banking associations*, created and existing under authority and by virtue of a Federal statute.

This being true, it is necessary to refer to the Federal law upon the subject.

The Federal statute in Section 5219 of the Revised Statutes of the United States, and is as follows:

"Nothing herein shall prevent all the shares in any association from being included in the valuation of the personal property of the owner or holder of such shares, in assessing taxes imposed by authority of the State within which the association is located; but the Legislature of each State may determine and direct the manner and place of taxing all the shares of national banking associations located within the State, subject only to two restrictions, that the taxation shall not be at a greater rate than is assessed upon any other moneyed capital in the hands of individual citizens of such State, and that the shares of any national banking association owned by non-residents of any State shall be taxed in the city or town where the bank is located, and not elsewhere. Nothing herein shall be construed to exempt the real property of the associations from either State, county, or municipal taxes, to the same extent, according to its value, as other real property is taxed."

This section prescribes the power of the State to tax national banks, their shares, or their property, *and confines this power to a taxation of the shares of stock in the name of the shareholders and assessment of real estate in the name of and against the bank itself.*

Owensboro National Bank vs. Owensboro, 173 U. S. 664; 19 Sup. Ct. Rep. 537; 43 Law Ed. 850.

Albuquerque First National Bank vs. Albright, 200
U. S. 548; 28 Sup. Ct. Rep. 349; 52 Law Ed. 614.

The States have such power of taxing national banks, and such only, as is granted or permitted to them by the Legislation of Congress.

The State statute above quoted applies to national banks as well as State banks, and therefore, in order not to discriminate, and thereby offend the Congressional inhibition, we should put the State and national banks on exactly the same footing in the matter of tax assessment.

By referring to the above quoted Section 8 of Chapter 5596 of the State statute, it will be seen that:

"The owner or holder of stock in any incorporated company doing business under corporate name shall not be taxed for such stock; Provided, That such stock is returned for taxation by such incorporated company and taxes are paid thereon by such company, or the *property* of said corporation is assessed for taxes where located and taxes are then paid on such property."

It is perfectly clear, under this Statute, that if the stock of an incorporated company is returned for taxation by such company, that the shareholders shall not also be taxed for such stock, and it is also clear that if all the property of such company is assessed where located, and taxes are paid on such property, that neither the company nor the shareholders shall be taxed for the stock.

It should be borne in mind that property, not responsibility, is taxable, and therefore, a bank should not be required to pay taxes upon deposits held by it since such deposits are subject to check by the owners thereof and are necessarily transient. This view is emphasized by the Statutory provision requiring the owners of such deposits to return them for taxation. This rule, however, should not be confused with the provision requiring persons,

acting as agents and having in their possession or control moneys or credits with a view to investing or loaning such moneys or credits for the owner, to make return thereof for taxation.

Bearing in mind the Constitutional provision and Statutory provisions, State and Federal, above quoted, I am of the opinion that the proper basis of valuation for the assessment and collection of taxes of banks, both state and national, in this State, and the nature and character of the property to be assessed to such banks, or shareholders, is the capital stock of such banks, to which should be added the surplus and undivided profits at the time of making an assessment for the purpose of ascertaining the value of the capital stock, but after deducting from the value of such capital stock, so ascertained, the assessed value of any real estate owned and held by such bank or banking company, which represents an investment of the capital stock, upon which taxes are paid by such bank or banking company.

The power of the State to tax a national bank, its property or its shares is, as we have seen, confined by Federal statute to a taxation of the shares of its stock in the names of and against the shareholders, and, of the real estate, in the name of and against the bank itself.

In view of this provision, I respectfully advise that, in order to meet the organic rule of uniformity, the property and stock of all banks, within this State, be assessed in this manner, the tax on the shares of stock, however, to be paid, if desirable, by the bank or banking company as agent of the shareholders as provided by the State statute quoted herein.

Respectfully submitted,

T. F. WEST,

Attorney General.

BLANK FORMS FOR RETURN OF TAXES.

Tallahassee, Fla., Aug. 18, 1913.

Hon. W. V. Knott,
State Comptroller,
Tallahassee, Florida.

Dear Sir:—

Yours of 16th inst., with letter from the State Tax Commission, and a copy of your reply, has been received, the same having been handed me today.

I note your request, stated as follows:

"I respectfully request that you advise me whether or not in your opinion any change can be made from the form prescribed by Section 13 and whether or not the changes indicated on the sheet inclosed would effect the legality of the assessment."

The statute referred to directs that the tax assessor shall set down in the assessment roll the name of the person owning personal property, together with a description of the personal property subject to taxation owned by such person, but no form is prescribed for listing or returning such property for taxation or for the assessment roll.

The request of the Tax Commission is that you have the *tax return blanks and books* for 1914 so printed as to have "as many of the *items* separate as possible" as found in the list made and delivered to you, in order that they may better arrive at values. Compliance with this request would require that you have the forms so made that the entries show the property, authorized by the statute to be taxed, in items rather than in aggregates, the purpose being to describe the property taxed more in detail than is required by the form now used, "in order that they may better arrive at values of such property."

In confirmation of my verbal opinion expressed to you on the 16th inst., I beg to say now that in my opinion a compliance with the request of the Tax Commission would not affect the legality of the assessment.

Very respectfully,

T. F. WEST,
Attorney General.

FUNDS FROM WHICH PRIMARY ELECTION EXPENSES MAY BE PAID.

Tallahassee, Fla., Jan. 9, 1914.

*Hon. W. V. Knott, Comptroller,
Tallahassee, Fla.*

Dear Sir:—

Yours of the 3rd inst. has been received.

Your inquiry is stated as follows:

“Two accounts have been presented to this office for payment under the Act of 1913, Chapter 6469 of the Laws of Florida, relating to Primary Elections.

One of these accounts is for services amounting to \$112.90, rendered under Section 37 of the Act and approved by the Secretary of State, and the other is for express charges on supplies sent out by the Secretary of State in pursuance of the requirements of said Act. The latter account is also approved by the Secretary of State.

I invite your attention to Section 8 of said Act and would be pleased to have your opinion as to whether or not said section can be considered as an appropriation of funds in the State Treasury sufficient to carry out all of the provisions of the Act requiring the Secretary of

State to do and perform certain acts and to furnish certain supplies including the services rendered under Section 37, and all other expenses incurred by the Secretary of State in carrying out the provisions of the Act in question."

I quote the entire communication in order that the scope and purport of the question submitted may clearly appear.

The question to be answered is stated as follows:

"I invite your attention to Section 8 of said Act and would be pleased to have your opinion as to whether or not said section can be considered as an appropriation of funds in the State Treasury sufficient to carry out all of the provisions of the Act requiring the Secretary of State to do and perform certain acts and to furnish certain supplies including the services rendered under Section 37, and all other expenses incurred by the Secretary of State in carrying out the provisions of the act in question."

Section 8 of Chapter 6469, to which you refer is in the following language:

"The expenses of holding the primary elections herein provided for, including the expenses of preparing all ballots, blanks, and other supplies to be used at any primary election, and all expenses necessarily incurred in the preparation for or the conduct of such primary election, shall be paid out of the treasury of the county or the State, as the case may be, in the same manner, with like effect, and by the same officers as in the case of general elections."

And Section 37, to which you refer, is in the following language:

"The Secretary of State may employ such clerical or other help as may be necessary properly to discharge the duties imposed upon him by the provisions of this Act, including the preparation, publication and delivery of the

pamphlets herein provided for, and the same shall be paid for as provided in Section 8 of this Act."

The last quoted section gives to the Secretary of State authority to employ such help as may be necessary properly to discharge the duties imposed upon him by the provisions of the Chapter referred to.

The question that you submit is, whether or not Section 8 of the Chapter can be considered as an appropriation of funds in the State Treasury sufficient to carry out the provisions of the Act, or, in other words, whether the language used in this section can be construed as an appropriation of funds in the State Treasury for the purpose of meeting the expenses to be incurred in the administration of the law.

In my opinion this section was not intended by the Legislature as an appropriation of funds in the State Treasury, and the language employed should not be so construed. It is true that it provides that all expenses necessarily incurred in the preparation for or the conduct of such primary election shall be paid out of the treasury of the County or the State, as the case may be, but it is further provided that such expenses shall be paid in the same manner, with like effect, and by the same officers as in the case of general elections. Under the general election law of this State certain duties are imposed upon the Secretary of State, and certain expenses are incurred in the conduct of such elections, such as preparing, printing and distributing registration books, preparing and publishing proclamations and notices of elections, sending out and publishing proposed constitutional amendments, and the like. No appropriations for the specific purpose of paying such expenses is made, but your Department has held that such expenses should be paid out of certain appropriations included in the Act passed at each session of the Legislature making appropriations for the expenses and maintenance of the State

Government generally, and, inasmuch as this has been the construction and general policy pursued for years, it seems to me that the conclusion is inescapable that the Legislature intended that the expenses incurred in primary elections provided for by Chapter 6469 should be paid in the same manner.

That the Legislature considered the question of expenses of primary elections is apparent, but the provision in the statute that the expenses should be paid in the same manner, with like effect, as in the case of general elections negatives the idea of an intent to appropriate money for such expenses by this Act.

My conclusion, therefore, is that the section to which you invite attention cannot be construed as an appropriation of funds in the State Treasury sufficient to carry out the provisions of the Act, but that the expenses incurred should be paid as you have heretofore paid expenses of general elections.

Respectfully submitted,

T. F. WEST,

Attorney General.

EXPENSE OF HOLDING PRIMARY ELECTION.
FROM WHAT FUND PAYABLE.

Tallahassee, Fla., Jan. 13, 1914.

*Hon. W. V. Knott, Comptroller,
Tallahassee, Florida.*

Dear Sir:—

Yours of the 10th inst., acknowledging receipts of opinion which I prepared for you on the subject of the

payment of expenses of Primary Elections under Chapter 6469 of the Acts of 1913, has been received.

I note your further inquiry in reference to this matter, in the following language:

"It appears from the Act of 1913, relative to primary elections that provisions is made by Section 35, for furnishing as many wrappers or envelopes, postage paid, as there were registered voters at the next preceding general election, and as these wrappers or envelopes are for mailing pamphlets containing the announcements, etc. of the different candidates, this item will require the expenditure of considerable money.

There is also a provision in Section 37, providing for the employment of such clerical and other help as may be needed by the Secretary of State and I would respectfully request that you advise me specifically what appropriation to draw warrants against in payment of each of the following expenses under Chapter 6469 of the Laws of Florida:

- (1) Printing of all kinds.
- (2) Wrappers, envelopes, stamps and transportation charges.
- (3) Clerical or other help, under Section 37."

This question was answered in my opinion of the 9th inst., above referred to, wherein it is stated that the expenses incurred under this Act should be paid as you have heretofore paid expenses of general elections.

The items of expense which you enumerate may legally be incurred under the statute, and it expressly provides that the expenses of holding primary elections therein provided for, including the expense of preparing all ballots, blanks, and other supplies to be used at any primary election, and all expenses necessarily incurred for the preparation for or the conduct of such primary election shall be paid out of the treasury of the County or State,

as the case may be, in the same manner, with like effect, and by the same officers as in the case of general elections.

The Legislature authorized the items of expense mentioned to be incurred in the conduct of primary elections; it directed that they should be paid in the same manner as expenses of general elections are paid; the manner of paying the expenses of general elections has been settled and uniformly followed for years; the Legislature is presumed to have had knowledge of this practice and, therefore, directed that the expenses authorized to be incurred under the primary election law should be paid in the same manner as you pay the expenses of general elections.

The conclusion necessarily is that you should pay such expenses in the same manner as you pay the expenses of general elections.

Respectfully submitted,

T. F. WEST,

Attorney General.

OPINIONS TO STATE TREASURER.

FINES IMPOSED BY COURT-MARTIAL, DISPOSITION OF.

Tallahassee, Fla., Feb. 8, 1913.

*Hon. J. C. Luning, Treasurer,
Capitol.*

Sir:—

Yours of 7th inst. has been received. I note your request that I advise you as to the fund in which, the law

provides, that you should place the amount of the check attached, transmitted by the Adjutant General.

I note also the recommendation of the Adjutant General and the order of the Governor thereon.

The Statute upon the subject is Section 705 of the General Statutes, and the portion thereof which applies to this matter is as follows:

"When the officer ordering the court, or the officer commanding for the time being, approves a sentence of a court-martial imposing a fine on an offender, said offender shall have a period of ten days from the publication of the findings and sentence of said court-martial and the approval thereof by such officer, within which to pay such fine to his immediate commanding officer, who shall at once remit the amount of said fine to the State Treasurer to be credited to the fund from which the contingent expenses of the Adjutant-General's office are paid, by whatever name such fund may be known and designated."

My opinion is, that the amount of the check referred to should be credited to the fund mentioned by this Statute.

I am returning herewith the papers sent me with the request for this opinion.

Very respectfully,

T. F. WEST,

Attorney General.

LICENSE REQUIRED FOR INSURANCE WEIGHING MACHINE.

Tallahassee, Fla., March 29, 1913.

*Hon. J. C. Luning, State Treasurer,
Capitol.*

Dear Sir:—

I have your communication of March 27th, which reads as follows:

"I have the honor to transmit herewith a letter from Mr. H. D. Trasy, of Jacksonville, Florida, together with a picture of the "National Insurance Scale" and a blank form of policy.

Mr. Trasy desires to know if it will be permissible to operate these machines in this State.

Kindly inform me whether it will be lawful to operate these machines in this State, returning the correspondence with your reply, and oblige,"

Under the laws of this State, each machine would be liable for a license tax of Five Dollars as a weighing machine.

The underwriter of the policies issued by this machine, "Aetna Life" of Hartford, Conn., is authorized to do insurance business in this State.

While each machine, in view of the work it performs as an agent of an insurance company, might be considered as an agent of the "Aetna Insurance Company," yet I find no precedent for compelling a payment of a license on each machine as an agent of an insurance company. In my opinion, there is no State law that would prevent the operation of this machine in Florida.

I herewith return the correspondence transmitted by you.

Yours very truly,

T. F. WEST,

Attorney General.

RECIPROCAL INSURANCE POLICIES—HOLDERS
NOT ENGAGED IN INSURANCE BUSINESS.

Tallahassee, Fla., March 12, 1914.

Hon. J. C. Luning,
State Treasurer,
Tallahassee, Fla.

Dear Sir:—

Yours of the 25th ultimo has been received.

I note your inquiry, as follows:

"I am informed that there are several companies or associations operating in this State, soliciting and placing insurance, principally upon saw mills.

I am also informed that these companies or associations are operating as mutual companies or associations, the persons insured, upon taking the insurance, becomes a participant in the profits earned to the extent of the earnings of the premium paid by the insured.

Please advise me if these parties, in thus receiving insurance with the agreement or understanding that they are to participate to that extent in the profits of the company or association would not be construed as transacting an insurance business in this State, and as such become amenable to the laws of the State relating to insurance and be subject to the penalties imposed by said laws in transacting such business without complying with the law's requirements."

Since the receipt of your communication you have stated to me orally that the companies or associations referred to are conducted outside of the State of Florida and have no agents in the State.

The question to which you desire an answer, as I understand your inquiry, may be stated as follows:

Shall a policy holder in this State in a company or association such as you describe, who participates in the earnings of the company or association issuing such policy be construed as transacting an insurance business in this State, and thereby become amenable to the laws of the State relating to insurance, and subject to the penalties imposed by such laws upon those who carry on such business in this State?

In my opinion individual holders of such policies in this State in such companies or associations are not engaged in the insurance business in contemplation of the statutes of this State.

Respectfully submitted,

T. F. WEST,

Attorney General.

*OPINIONS TO STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION.*

SCHOOL BOOKS—LOCAL AGENTS' SALE PRICE.

Tallahassee, Fla., Jan. 25, 1913.

*Hon. W. N. Sheats,
State Supt. of Public Instruction,
City.*

Dear Sir:

Yours of 24th inst. has been received.

I note your inquiry as follows:

"Can a local agent for the sale of text books, adopted

by the Florida State Text Book Commission, legally charge the contract price of said books, and in addition thereto, charge the required postage on orders sent to him by mail where said postage is not prepaid?"

Section 13 of Chapter 6178, Acts of 1911, Laws of Florida, provides:

"That there shall be maintained in each County in the State, provided the Commission shall deem it advisable, and so demand, not less than one nor more than twelve, agencies for the distribution of the books, to the patrons, or the Contractor shall be permitted to make arrangements with merchants, or others, for the handling and distribution of the books, and parties living in the country where no agency has been established, or no arrangements made for distribution, may order the same from one of the Contractors, and it shall be the duty of the Contractor or contractors, to deliver any book, or books, so ordered to the person ordering, to his post office address, freight, express, postage, or other charges, prepaid, at the retail contract price; Provided, The price of the book, or books, so ordered shall be paid in advance."

I understand this language to mean that the books referred to, shall be delivered to the purchaser at the price fixed for such books, without anything in addition thereto for the delivery of same.

Very respectfully,

T. F. WEST,

Attorney General.

TEACHERS' MONTHLY REPORT — ATTENDING
TEACHERS' INSTITUTES—EXPENSES.

Tallahassee, Fla., Jan. 27, 1913.

*Hon. W. N. Sheats,
State Supt. of Public Instruction,
City.*

Dear Sir:—

Replying to your inquiry of the 23rd inst., I beg to say:

First: That I have not been able to find any law giving to "a County Superintendent the right to order his teachers to report twenty days taught when only fifteen have been actually taught, in order that he may indirectly pay teachers for attending Institutes, State Associations and such like."

In my opinion, this course should not be followed and teachers should not be required or permitted to report days taught which are, in fact, not taught.

Second: It is my opinion that a County Board of Public Instruction may pay expenses incurred by teachers attending Institutes and Associations, if the Board is of the opinion that such attendance promotes the educational interest of the County.

Very respectfully,

T. F. WEST,

Attorney General.

SPECIAL TAX SCHOOL DISTRICT, APPORTION-
MENT OF TAXES IN—REAPPORTIONMENT OF
UNUSED FUNDS.

Tallahassee, Fla., Feb. 1, 1913.

Hon. W. N. Sheats,
State Supt. of Public Instruction,
Tallahassee, Fla.

Dear Sir:—

Your communication of January 31st, 1913, has been received, which reads as follows:

“Please give us your opinion on the following subjects:

Where a Special Tax School District has two or more schools within its territory, upon what basis shall the distribution of the school funds be made; upon the number of children of school age in each individual district, the enrollment in school, the average attendance in the school, or the taxes paid by the patrons of each individual school?

If any one of the schools does not use the funds apportioned to it in any one year, will it be entitled to those funds in the next school year, or do they revert to the original fund of the entire district?”

In answer to the first question of your communication, will advise that it is my opinion that Section 410 General Statutes (Paragraph 95 Regulations of Department of Education, 1911), providing that:

“It shall be the duty of the Trustees on or before the first day of June in each year to prepare an itemized estimate, showing the amount of money necessary likely to be raised for the supplement of the county school funds apportioned to the district for the next ensuing scholastic year, and to certify therein the rate of millage voted to be assessed and collected from the taxable property

within the special school district for that year. This estimate shall set forth clearly the apportionment of money raised within the district prorated to each school within the district, stating the amount that will be applied to the salaries of teachers, buildings, furniture, or other educational purposes."

And Section 409 General Statutes (Paragraph 94 of School Laws) providing that:

The Board of Trustees of that school district, "shall make a *fair* and *equitable* distribution of the funds among all the schools in the special tax school district, which shall be shown in their itemized statement;"

is all the law we have controlling the matter. There is no set rule as to what the unit or basis shall be in apportioning the funds by the Trustees among the schools of the subdistrict, but it should conform to the estimate required to be furnished to the County Board by the Trustees, as provided in Section 410 (Paragraph 95). In other words, the matter is left to the sound discretion of the trustees of the sub-school district, and the apportionment should be made in view of all the bases enumerated in your first question, including the grades to be taught.

Answering the second question of your communication, will advise that Section 327 General Statutes, providing for the re-apportionment of unused funds of any school in a county, reading as follows:

"Any public schools in the county failing to complete its public term before the termination of the school year, shall, if such lost time of such term be not made up within the next school year thereafter, forfeit the proportion of its financial apportionment not used by neglecting or failing to maintain a school for the full term of school in that county, and in that case all moneys so forfeited shall be apportioned among the several schools of the county at the next annual apportionment," is all the law we have controlling this matter. I would infer from Section 327

that the Board of Trustees of a school district should in like manner apportion among the schools of the district, the unused district funds of any school in the district.

In the above duties enumerated, it is intended by the law that "the powers of Trustees shall not be those of control, but of supervision only."

The above Section 327 was for some reason not included in the Digest of the School Laws compiled by the State Superintendent in 1911.

Respectfully submitted,

T. F. WEST,

Attorney General.

TEACHER'S CERTIFICATE FURNISHED UPON
PRESENTING DIPLOMAS GRANTED AFTER
LAW PASSED.

Tallahassee, Fla., June 18, 1913.

*Hon. W. N. Sheats,
State Supt. of Public Instruction,
Tallahassee, Florida.*

Dear Sir:—

Yours of 11th inst. has been received. I note your inquiry, which is stated as follows:

"Please give your opinion on the following matter: Does the recent law, providing that certain graduates of our State University and College for Women may be granted certificates upon their diplomas, apply to those who graduated before that Act became a law, or only to those who graduate after it became a law?"

In my opinion, the law referred to does not apply to those who graduated before the Act became a law, but applies only to those who graduate after the Act became a law.

Very respectfully,

T. F. WEST,

Attorney General.

AGED TEACHER'S CERTIFICATE, VALIDITY
UNDER SECTION 385 GENERAL STATUTES.

Tallahassee, Fla., July 3, 1911.

Hon. W. N. Sheats,
State Supt. of Public Instruction,
Tallahassee, Florida.

Dear Sir:—

Yours of 2nd inst. has been received. I note your inquiry as follows:

"Please give us your opinion on the following: On October 18th, 1912, a certificate was issued by a County Superintendent under the provisions of Chapter 4995 Session Laws of 1901 or Chapter 385 General Statutes 1906. On page 327 Biennial Report of Hon. W. M. Holloway we find as follows:

'The Legislature of 1903, in the first Section of Chapter 3204, repealed the provisions of this certificate, but the certificates already issued were not invalidated.' (This Chapter 3204 mentioned is evidently Chapter 5204.)

As this Chapter 4996 Session Laws 1901 and Chapter 385 General Statutes 1906 are identical, would such certificate issued on date mentioned be valid?"

Chapter 4995 of the Acts of 1901 above referred to reads as follows:

"That from and after the passage of this Act, any teacher in the State of Florida who has taught the whole or part of each year for twenty years prior to January 1, 1900, in the public or private schools of the State of Florida, and who presents satisfactory proof of such fact to the County Superintendent of Public Instruction of the county of which he is a resident, shall be entitled to receive from said County Superintendent a certificate of such fact, which said certificate shall entitle said teacher to teach in any public school in said county in the primary and intermediate grades; Provided, A majority of the patrons of such school shall select said certificate holder as such teacher; and no further examination of such teacher shall be necessary or required hereafter; Provided, That said teacher shall have secured at least one certificate under the present uniform examination law of this State and shall not teach in any grade higher than that called for in the certificate."

It may be that this Act was repealed by Chapter 5204 of the Acts of 1903 as suggested, but it is in my opinion, not material for the purposes of this inquiry to decide this point since the Commission, appointed under Chapter 5267 of the Acts of 1903 to revise and consolidate the public statutes of this State, placed in the revision prepared as Section 385, Chapter 4995, and therefore upon the adoption of the General Statutes so prepared the provisions of Section 385 became a part of the statute law of this State and was, on the 18th of October, 1912, the date upon which the certificate referred to in your communication was issued, and still is, the law upon the subject.

Chapter 5207 of the Acts of 1903, Section 1 of which was amended by Chapter 5391 of the Acts of 1905 was also placed by the Commission in the General Statutes

as Sections 361 to 374 inclusive, and therefore also, upon the adoption of the General Statutes, became a part of the statute law of this State.

These statutes relate to the same subject matter and must be construed together. The rule for construction in such cases is stated by the Supreme Court of this State in the case of *Curry et al. vs. Lehman*, 55 Fla. 847, as follows:

"It is to be presumed that different Acts on the same subject passed at the same session of the Legislature are imbued with the same spirit and actuated by the same policy and they should be construed each in the light of the other. The legal presumption is that the Legislature did not intend to keep really contradictory enactments in the statute books, or to effect so important a measure as the repeal of a law without expressing an intent to do so. An interpretation leading to such a result should not be adopted unless it be inevitable. The rule of construction in such cases is that if the courts can by any fair, strict or liberal construction find for the two provisions a reasonable field of operation, without destroying their evident intent and meaning, preserving the force of both, and construing them together in harmony with the whole course of legislation, it is their duty to do so."

Applying this rule of construction to this situation the conclusion seems to me inescapable that Section 385 of the General Statutes is a valid and subsisting statute.

It necessarily follows, if the certificate referred to was issued under this law, that it is valid, and I so advise.

Respectfully submitted,

T. F. WEST,

Attorney General.

TEACHER'S CONTRACT, TERM OF—MADE WITH
TEACHER DIRECTLY.

Tallahassee, Fla., Sept. 25, 1913.

Hon. W. N. Sheats,
State Supt. of Public Instruction,
Tallahassee, Florida.

Dear Sir:

I am in receipt of your communication of the 23rd inst. as follows

"The following correspondence has been sent to me for a reply.

I desire your opinion on two points before I can intelligently reply to the same, to-wit:

Do the laws of Florida authorize a County Board of Public Instruction:

1st. To contract with teachers for a term of service extending beyond their own term (two years)?

2nd. To farm out a school to a principal, paying him all the salary for the school and authorizing him to fix and pay the salaries to his assistants at will?"

Answering your first question, I will advise that Sections 142 and 336 of the General Statutes of Florida authorize the State Superintendent of Public Instruction, in co-operation with the State Board of Education, "to prescribe rules and regulations for the management of the department of Public Instruction," and it is found that Regulation 9 of the "Regulations and Forms prescribed by the State Board of Education," provides as follows:

"Reg. 9. When to Assign Teachers. County Boards of Public Instruction shall, at the first regular meeting after the June examination in each year, proceed to as-

sign teachers to schools *for the ensuing scholastic year*, selecting first from the list of teachers those holding State or County certificates."

In view of the above, it is my opinion that the County Boards of Public Instruction have power to contract with teachers *only* for the scholastic year, and this may legally extend a few months beyond the term of office of the members of the school board making the contract.

Answering the second question in your communication, I find that Section 347 of the General Statutes of Florida, 6th Paragraph, provides that every Board of Public Instruction is directed "to employ teachers for each school in the county, and to contract with and pay the same for their services * * * ."

It is my opinion, from the above, that it is the duty of the Boards of Public Instruction to contract with and pay teachers, and I do not think that such authority could be delegated.

Very respectfully,

T. F. WEST,

Attorney General.

SCHOOL BOOKS—SALE OF REBOUND COPIES OF
ADOPTED SERIES IN THIS STATE.

Tallahassee, Fla., Nov. 19, 1913.

Hon. W. N. Sheats,

State Supt. of Public Instruction,
Tallahassee, Florida.

Dear Sir:—

Yours of 27th ult. has been received and noted.

Your inquiry is stated as follows:

"Please give me an opinion as to whether it is a viola-

tion of the Florida State Uniform Text Book Law for a dealer in books in this State to sell to school patrons in Florida rebound copies of any of the State adopted books at a lower price than the contract price made between the publisher and the State.

Would it be a violation of law for such dealer to secure the rebound books and sell them at any price?"

It is provided in Section 9 of Chapter 6178, the Statute above referred to, as follows:

"That the books furnished under any contract shall at all times during the existence of the contract be equal to, in all respects, the specimen or sample copies furnished with the bid, and it shall be the duty of the Secretary of State to carefully preserve in his office, as the standard of quality and excellence to be maintained in such books during the continuance of such contracts, the specimen, or sample copies of all books which have been the basis of any contract, together with the original bid, or proposal. It shall be the duty of all contractors to print plainly on the back of each book the contract price, as well as the exchange price at which it is agreed to be furnished, but the books submitted as samples, or specimen copies, with the original bid shall not have the price printed on them before they are submitted to the Sub-Commission."

It will be noted from this quotation that, in addition to providing for uniformity in use and price of school books throughout the State, this Statute also provides for uniformity of quality and fixes a standard of quality for books to be used in the schools of this State.

To permit books in use elsewhere to be rebound and sold by dealers to school patrons here would result in the use by the school children of this State of second-hand books of an inferior grade and quality in violation of this Statute.

It is further provided in the section of the Statute above mentioned, as follows:

"And the said Text-book Commission shall not, in any case contract with any person, publisher or publishers, for the use of any book, or books, which are to be sold to patrons for use in any public school in the State, at above, or in excess of, the price at which such book, or books, are furnished by said person, publisher, or publishers, under contract to any State, County or school district in the United States."

By this provision of the law school patrons are protected from excessive prices, while they are assured that the books purchased and used by them are new and of standard quality and excellence.

Without going into further discussion of the questions presented, I will say that, in my opinion, it would be a violation of the State Uniform Text Book Law for dealers to sell to school patrons rebound copies of any of the State adopted school books at a price different from the contract price made between the publisher and the State, or to secure such rebound books and sell them at any price.

Respectfully submitted,

T. F. WEST,

Attorney General.

AUTHORITY OF BOARDS OF PUBLIC INSTRUCTION TO CONTRACT FOR CORRESPONDENCE BUSINESS COURSE IN PUBLIC SCHOOLS.

Tallahassee, Fla., Dec. 4, 1913.

*Hon. W. N. Sheats,
State Supt. of Public Instruction,
Tallahassee, Florida.*

Dear Sir:—

I am in receipt of a communication from your department, submitting the following inquiry:

“Has a County Board of Public Instruction of Florida legal authority to contract with and pay a teacher to teach pupils by correspondence such subjects as stenography, typewriting and book-keeping?”

Attached to the communication is a written contract between Professor R. G. Pittman and the Board of Public Instruction of Calhoun County, in which contract it is provided that the Board shall pay to Professor Pittman sixty dollars per month to teach, by correspondence, shorthand, typewriting and book-keeping, to all the students of certain grades in all the schools of Calhoun County. I understand also from you that several other counties in the State have similar contracts with Professor Pittman.

This department is not authorized to officially advise County Boards of Public Instruction. This being true, no expression from me regarding the contract mentioned could settle the rights of the parties to the contract. In other words, any opinion that I may have on the subject, if given expression to directly to the parties interested, or through your department to them, would be binding upon no one and could not affect the rights of the parties

ti the contract. They would be at perfect liberty to adopt my views or disregard them as they saw fit, and they might adopt them in one county and disregard them in another. This, instead of settling the question, would tend to uncertainty and confusion, and for this office to undertake to officially advise in the matter would fitly illustrate the futility of assuming authority to perform an official function when such authority in fact does not exist.

County Boards of Public Instruction have certain duties imposed upon and certain powers given unto them by statute, coincident with which are certain responsibilities. In this case the County Board has executed the contract mentioned. If the propriety of their action and the validity of the contract is questioned, the appropriate forum for a determination of the question is the court having jurisdiction of the matter.

I do not mind saying that I regard the validity of the contract as doubtful, and think it likely that a court would declare it invalid, but my views on the matter could not be regarded as an official opinion of this office, and what I have said is intended as a suggestion, rather than advisory.

Respectfully submitted,

T. F. WEST,

Attorney General.

SCHOOL BOOKS—SALE OF BY TRUSTEE OF SPECIAL TAX SCHOOL DISTRICT VIOLATES SECTION 3731 G. S.

Tallahassee, Fla., Jan. 1, 1914.

*Hon. W. N. Sheats,
State Supt. of Public Instruction,
Tallahassee, Florida.*

Dear Sir:—

Yours of the 26th inst. has been received. I note your inquiry, which is stated as follows:

“Is a Trustee of a Special Tax School District prohibited under Section 3731, General Statutes, from selling State Uniform Textbooks to patrons as a merchant?”

By referring to the section mentioned, that is to say Section 3731 of the General Statutes, it will be found to read as follows:

“No superintendent or school board of any county, or any person officially connected with the government or direction of the public schools, or teacher thereof, shall receive any private fee, gratuity, donation or compensation, in any manner whatsoever, for promoting the sale or the exchange of any school book, map or chart in any public school, or be an agent for the sale or the publisher of any school text book, or be directly or indirectly pecuniarily interested in the introduction of any such text book, and any such agency or interest shall disqualify any person so acting or interested from holding any school office whatsoever, and the party so offending shall be fined in a sum not exceeding fifty dollars, or imprisoned more than thirty days.”

In my opinion, a Trustee of a Special Tax School Dis-

trict, who sells, as a merchant, text books to patrons of schools in this State, violates this statute.

Yours very truly,

T. F. WEST,
Attorney General.

FEES OF COUNTY TREASURER FOR DISBURSING
MONEY BORROWED BY COUNTY BOARD OF
PUBLIC INSTRUCTION.

Tallahassee, Fla., Feb. 25, 1914.

*Hon. W. N. Sheats,
State Supt. of Public Instruction,
Tallahassee, Florida.*

My dear Sir:—

Yours of the 25th inst. has been received.

I note your inquiry, which is stated as follows:

“When a County School Board borrows money and places it in the hands of the County Treasurer to be distributed in the usual manner in the payment of warrants is he entitled to commission for both receiving and disbursing that money?”

This question has heretofore been submitted to this office, and was decided by my predecessor as follows:

“Your inquiry involves the question of whether a County Treasurer is entitled to commissions for receiving and disbursing borrowed money, and while the question has never been determined by the courts of this State, yet the courts of some of the States hold that no commission should be allowed on borrowed money, and it is my

impression that in the light of these decisions our court would most likely hold that a County Treasurer would not be entitled to commissions on receiving and disbursing borrowed money. This is also the holding of the State Auditor, whose duty it is to check up the various officers of the State and Counties."

This opinion appears in report of this office for the years 1909 and 1910, and so far as I am advised has been consistently adhered to.

Respectfully submitted,

T. F. WEST,

Attorney General.

OPINIONS TO COMMISSIONER OF AGRICULTURE.

STATE CONVICTS—FURNISHING MONEY AND
CLOTHES WHEN DISCHARGED.

Tallahassee, Fla., April 23, 1913.

Hon. W. A. McRae,
Commissioner of Agriculture,
Capitol.

Dear Sir:—

Yours of 14th inst. has been received. I note your inquiry as follows:

"I here attach you a communication we received from the Florida Pine Company this morning. I would thank you for a written opinion on this matter and oblige."

The communication of the Florida Pine Company referred to is as follows:

"The prisoner shown in duplicate advance discharge receipt was discharged April 8, 1913, and immediately began sentence as No. A-522. Shall we pay him discharge fee or not. We are of the opinion that he is entitled to the same."

The statute upon the subject is Section 4143 of the General Statutes, as follows:

"4143. (3062.) What to be furnished convicts when discharged.—Each convict who serves a sentence at hard labor in the State Penitentiary shall be furnished, when discharged, at the expense of the State, one good suit of clothes, a hat and one pair of shoes, and be furnished with five dollars *to provide the necessities of life until he can procure work*: Provided, That the suit of clothes shall not cost more than five dollars."

It will be noted that this statute requires that every convict, when discharged, shall be furnished, at the expense of the State, with one suit of clothes, a hat and one pair of shoes, the suit of clothes to cost not more than five dollars.

I assume that the custom of furnishing ten dollars in cash to discharged convicts is in lieu of the articles required to be furnished by the statute.

The inquiry of the Florida Pine Company is whether or not a convict who completes one sentence but is retained in custody and begins immediately the service of another and different sentence should be furnished or supplied with the articles mentioned.

It will be noted that the statute expressly states the reason why such articles are furnished to a discharged prisoner, namely: "to provide the necessities of life until he can procure work."

In a case where the convict remains in custody and begins immediately the service of another and different sentence, the reason for furnishing him with the articles

mentioned does not exist, and therefore the statute, in my opinion, does not apply to such case.

This being true, I respectfully advise that the State is not required to furnish the amount nor articles mentioned in the statute to a prisoner in a case of this character.

Very respectfully,

T. F. WEST,

Attorney General.

COMPOUND OR PURE ARTICLE—PURE LARD
WITH OLEO STEARINE ADDED.

Tallahassee, Fla., July 3, 1913.

Hon. W. A. McRae,
Commissioner of Agriculture,
Tallahassee, Fla.

Dear Sir:—

Yours of 1st inst. has been received. I note the letter inclosed therewith from Jones & Lamb Co., of Baltimore, Md., relating to the sale of a product labeled "Jones & Lamb Company,, Eagle Brand Pure Lard with Oleo Stearine added, Baltimore, Md."

You state that:

"I would infer from the requirements of Regulation 17, 'e' Section 5, of Chapter 6122, Laws of Florida, Acts of 1911, which is identical with U. S. Regulation on the same subject, that this or any other product cannot be sold as a Pure article when it contains more than one food product or active medicinal agent. In such instance, it is our opinion that such goods would be misbranded in that the article is named after a single constituent."

Your request for an opinion is stated as follows:

"We would be pleased to have your opinion as soon as practicable whether this product should be classed a pure article or a compound."

I have examined the statutes and regulations relating to this matter, and am of the opinion that the product referred to should be classed as a compound and not a pure article.

Respectfully submitted,

T. F. WEST,

Attorney General.

"MISBRANDED" PACKAGES—NET CONTENTS.

Tallahassee, Fla., July 9, 1913.

Hon. W. A. McRae,
Commissioner of Agriculture,
Capitol.

Dear Sir:—

Yours of 8th inst. has been received. I note the correspondence attached to your communication, and your request for an opinion, as follows:

"Please note the attached correspondence between the Commissioner of Agriculture and Mr. J. G. McNeal of Sebring, Fla., which is self-explanatory, and advise me as to the duty of the Commissioner of Agriculture in such cases under the Pure Food Law, and what, in your opinion, would be the proper legal steps necessary to be taken in this case."

In the first letter from Mr. McNeal to your office, it is stated that the acts complained of occurred during the

early daly, and prior to the 13th day, of the month of June last, the date upon which certain amendments to Chapter 6122, commonly called the Pure Food and Drugs Law, were adopted, and therefore the law as it was prior to the adoption of the amendments mentioned will govern in this case.

Section 2 of Chapter 6122 prescribes the duties of the Commissioner of Agriculture in cases of "misbranding" articles mentioned.

Section 5 defines the term "misbranding" as used in this Chapter, paragraph third of this Section, reading as follows:

"If in package form, the net contents of the package are not correctly stated in terms of weight or measure, conspicuously, legibly and correctly, on the outside of the package."

Subdivision I of Regulation 17, Title "Misbranding" of the Rules and Regulations for the enforcement of the Pure Food and Drugs Law of your Department, requires the net weight or measure to be stated on the outside of the package containing the articles mentioned in the statute.

It seems to me clear, under the provisions of the statute referred to and the regulations of your Department, that you are authorized to proceed in this case as in other cases of "misbranding," and I so advise.

The case could also be prosecuted under the statute prohibiting selling by false weight or measure and prescribing penalties therefor.

Respectfully submitted,

T. F. WEST,

Attorney General.

GRANT OF WATER BOTTOMS FOR OYSTER CULTURE PRIOR TO OYSTER COMMISSION LAW OF 1913—YEARLY RENTAL.

Tallahassee, Fla., Aug. 11, 1913.

Hon. W. A. McRae,
Commissioner of Agriculture,
Tallahassee, Fla.

Dear Sir:—

Yours of 11th inst. has been received. I note your inquiry, stated as follows:

"I find that the County Commissioners of some of the counties of Florida have granted permission or issued leases to various parties to plant oysters on the water bottoms of the State but no valuable consideration is shown. These grants or leases seem to be made under Section 646, General Statutes of Florida. I would thank you to give me your legal opinion as to whether or not these leases are valid account lack of consideration, nothing being paid to the State or County in the way of rent. You will note Section No. 2, of Chapter 6532, Acts of 1913, Laws of Florida, confirm these leases in the following language:

"That all grants prior to June 1st, 1913, made in pursuance of heretofore existing laws, where the person, firm or corporation receiving such grant, his heirs or assigns, have *bona fide* complied with the requirements of such law, be and the same are hereby confirmed as under said laws provided for.'"

In my opinion it is not essential to the validity of the grants made under Section 646 General Statutes of Florida, that a valuable consideration should be paid therefor.

Your second inquiry is stated as follows:

"I would thank you to advise me if they are subject to the annual rental under Section No. 14, Chapter 6532, Acts of 1913, Laws of Florida."

This inquiry raises the question of whether or not grants made under Section 646 of the General Statutes of Florida are subject to the annual rental required under the terms of Chapter 6532 of the Acts of 1913.

It will be noted that Section 2 of Chapter 6532 provides:

"That all grants prior to June the 1st, 1913, made in pursuance of heretofore existing laws, where the person, firm or corporation receiving such grant, his heirs or assigns, have *bona fide* complied with the requirements of said law, be and the same are hereby confirmed as under said laws provided."

It will also be noted that it is provided in Section 14 of Chapter 6532 as follows:

"No taxes, assessments or other licenses than those imposed in this Act shall be levied or imposed on said leases or said leased lands, but the annual rental exacted and paid shall be held and considered all that can or shall be exacted by the State or County, subordinate political corporation or municipality."

Inasmuch as the valid grants made prior to January the 1st, 1913, under Section 646 of the General Statutes of Florida, are recognized and confirmed by the provisions of Chapter 6532, and it is provided in such Chapter that no taxes, assessments or other licenses than those imposed in the Act shall be levied or imposed upon the property therein mentioned, I am of the opinion that such grants are subject to the annual rental required by the terms of the Act.

Very respectfully,

T. F. WEST,

Attorney General.

PURE FOOD AND DRUG INSPECTORS—TENDER
MARKET VALUE OF SAMPLES TAKEN.

Tallahassee, Fla., Sept. 5, 1913.

Hon. W. A. McRae,
Commissioner of Agriculture,
Tallahassee, Fla.

Dear Sir:—

Yours of 2nd inst. has been received. I note your inquiry, as follows:

“The law does not seem to be specific with reference to drawing samples of confiscated goods. I would, therefore, thank you for your opinion as to whether or not Inspectors of this Department shall be required to tender to the owner or agent the market value of samples of food or drugs, taken from a lot of misbranded or adulterated goods after they have been confiscated.”

The law upon the subject is a portion of Section 9 of Chapter 6541, Laws of Florida, reading as follows:

“In calling for and taking samples of food or drugs, the Inspector shall tender to the owner or agent the market value of the sample.”

The purpose in view in taking samples, as authorized by this Statute, is to make the analysis required by the law for determining if the goods seized shall be confiscated. It does not necessarily follow, because the sample is taken, that the goods are to be confiscated, this question being determined after the test, by analysis, of the sample is made.

There is no reason or authority, as I understand the matter, for taking samples after the goods have been confiscated.

I am of the opinion that when Inspectors of your Department take samples of food or drugs, as authorized by the law, that they should tender to the owner or agent the market value of the sample taken.

Yours very truly,

T. F. WEST,

Attorney General.

TAX ON OYSTER BUSINESS OTHER THAN THAT
IMPOSED BY CHAP. 6532 ACTS OF 1913.

Tallahassee, Fla., Aug. 29, 1913.

*Hon. W. A. McRae,
Commissioner of Agriculture,
Tallahassee, Florida.*

Dear Sir:—

Yours of 25th inst. has been received and noted.

Your inquiry is stated as follows:

“I would thank you to refer to the latter clause of Section 10, Chapter 6532, Acts of 1913, Laws of Florida, which reads as follows:

‘The license provided by this Section being police licenses, exacted by the State in the control of her own property and in the protection of the oyster and clam property of others, over which a police control is necessary, no county, city, town or municipality shall impose any further tax than herein provided for on the oyster or clam industry, and any existing law, providing for the payment of a license tax to any county for the privilege of taking or gathering oysters or clams from any public or natural oyster or clam beds in the waters of such County, or from any artificial or privately owned beds, is hereby repealed. This provision does not, however, pre-

vent State, County and Municipal tax on personalty and realty as now provided by law.'

I would also respectfully refer your attention to Sections 1, 2, 3 and 4 of Chapter 5429, General Statutes, which places a tax of twenty-five dollars per season for each boat used for the purpose of gathering oysters, and which tax seems to be a County tax. It would seem that Chapter 6532 abrogates Chapter 5429 as the section quoted says: 'No county, city, town or municipality shall impose any further tax than herein provided for on the oyster industry, and any existing law, providing for the payment of a license tax to any county for the privilege of taking, gathering of oysters or clams from any public or natural oyster or clam beds in the waters of such county, or from any artificial or privately owned beds, is hereby repealed.'

I would thank you to advise me as soon as possible regarding this matter."

The provisions of Chapter 6532 confers upon your department certain authority and imposes upon it certain duties with reference to the enforcement and general administration of the Act. In exercising this authority and performing the duties required by this Statute, a determination of the question of whether or not Chapter 5429 has or has not been repealed is, in my opinion, not essential. The parties interested are those upon whom the tax is imposed, and the proper forum for a determination of this question is the courts.

A determination of the question being unnecessary for a proper administration, by your department, of the provisions of Chapter 6532, it follows that this office is not required to express an opinion upon the subject matter of your inquiry.

Very respectfully,

T. F. WEST,

Attorney General.

OYSTERS—RE-SALE LICENSE REQUIRED OF
RESTAURANTS.

Tallahassee, Fla., Oct. 21, 1913.

*Hon. W. A. McRae,
Commissioner of Agriculture,
Capitol.*

Dear Sir:—

Yours of 15th inst. has been received. I note your inquiry as follows:

“Section 10, of Chapter 6532, Laws of Florida, reads as follows:

‘And no person, firm or corporation shall engage in the business of buying for re-sale or shipping, raw oysters or clams in shell, or packed or opened raw until they shall have first procured from said Commissioner of Agriculture an annual police license.’

I would thank you to advise me if this re-sale license should be paid by restaurants who have restaurant license and serve them on half shell in their places of business. It seems to me that this constitutes a re-sale of raw oysters.”

Commencing where you begun the quotation, the Section reads as follows:

“and no person, firm or corporation shall engage in the business of buying for re-sale or shipping, raw oysters or clams in shell, or packed or opened raw until they shall first have procured from said Commissioner of Agriculture an annual police license, for which a charge of twenty dollars shall be made, when ten or more shuckers at any one time shall be employed in such establishment; when less than ten and more than five shuckers are employed at any one time, the police license shall be ten

dollars per annum; when less than five shuckers are employed at any one time, the license shall be \$5.00, and when no shuckers are employed, and oysters are handled in shell only, the police license shall be two dollars, when less than 500 barrels are bought per annum; and four dollars per annum, when less than 1,000 barrels and more than 500 barrels are bought per annum; when more than 1,000 barrels and less than 5,000 barrels of oysters are bought per annum, ten dollars per annum; when more than 5,000 and less than 10,000 barrels of oysters are bought per annum, fifteen dollars per annum, and when more than 10,000 and less than 20,000 barrels are bought per annum, \$20.00 per annum; and when the number of barrels bought per annum shall exceed 20,000 barrels, the license shall be thirty dollars per annum. Where a person, firm or corporation is engaged in handling both raw and shucked and shell oysters, he shall pay each license."

The purpose of this Act was to regulate generally the shellfish industry. It singles out this industry, prescribes certain rules for the encouragement and development of the industry and imposes certain taxes upon it, and those who engage in it, or deal in the products of the industry, with a view to its development and protection.

Having in mind the purpose of the statute, it seems to me that a proper interpretation of the section quoted leads to the conclusion which you have reached and, in my opinion, the license should be collected from those who retail oysters in this State.

Very respectfully,

T. F. WEST,

Attorney General.

ARTICLES OF FOOD WHICH ARE MISBRANDED
OR ADULTERATED—AUTHORITY TO ATTACH.

Tallahassee, Fla., Nov. 18, 1913.

*Hon. W. A. McRae,
Commissioner of Agriculture,
Tallahassee, Florida.*

Dear Sir:—

Yours of 12th inst. has been received. I note your inquiry, as follows:

“We would be pleased to have your opinion of the legality of the attachment, provided for by Section Two of the Pure Food Law, Chapter 6122, of 1911, as amended by Chapter 6541, of 1913, and the authority of the Agricultural Department to attach and hold goods, alleged to be adulterated, misbranded, immature, or otherwise unfit for consumption.”

I note also the copy of opinion of Judge Whitney attached to your communication, in which he held the portion of the statute, providing for the seizure of property in certain cases, unconstitutional.

The Supreme Court of this State holds the rule in such cases to be as follows:

“The court should not declare a statute to be unenforceable because unconstitutional, unless it clearly appear beyond a reasonable doubt that there is no reasonable basis for it within the lawmaking power of the Legislature.”

In view of this rule and the great public importance of the question, I would suggest that the proper course for

your Department to pursue would be to assume the statute valid until declared invalid by the highest court of the State.

Very respectfully,

T. F. WEST,

Attorney General.

LEASE OF OYSTER BOTTOMS TO CITIZENS.

Tallahassee, Fla., Dec. 17, 1913.

*Hon. W. A. McRae,
Commissioner of Agriculture,
Tallahassee, Florida.*

Dear Sir:—

Yours of the 4th inst. has been received. I note your inquiry, as follows:

"I would thank you to advise me regarding this point. For instance, a man resides in the State of New York and has his home there but owns a home in Florida also and comes to Florida every winter and spends a part of the year in the State but is not a registered voter in Florida."

In my opinion this party would not be a citizen of this State, in contemplation of Chapter 6532, Laws of Florida, providing that leases of water bottoms can only be made to citizens of the State of Florida, etc.

A second inquiry is stated as follows:

"Another instance, is where a man has moved into the State and purchased a home or intends to do so and expects to make the State his permanent home but has not resided in the State long enough to become a registered voter."

In my opinion this party should be held to be a citizen of this State in contemplation of the law mentioned.

Respectfully submitted,

T. F. WEST,

Attorney General.

CANNING FACTORIES—LICENSE UNDER GENERAL LAW, AND OYSTER COMMISSION LAW OF 1913.

Tallahassee, Fla., Dec. 27, 1913.

Hon. W. A. McRae,
Commissioner of Agriculture,
Tallahassee, Florida.

Dear Sir:—

Yours of the 26th inst. has been received.

I note your suggestion of the apparent conflict between Section 10 of Chapter 6532, Acts of 1913, and the last clause of Paragraph 9 of Section 17, Chapter 6421, Acts of 1913, Laws of Florida, and your request for an opinion in reference to the matter, as follows:

“Section 10, Chapter 6532, Laws of Florida, provides as follows:

‘No person, firm or corporation shall engage in the business of canning oysters or clams in this State until such person, firm or corporation shall first have procured from the Commissioner of Agriculture an annual police license for which a charge of \$2.00 per lineal foot shall be made for each steam box in use, or to be used in such establishment, and where no steam box is used, there shall be a charge of \$50.00 for each retort or process kettle.’

The second paragraph of this same Section says:

‘The license provided by this Section being police license, exacted by the State in the control of her own property and in the protection of the oyster and clam property of others, over which a police control is necessary, no county, city, town or municipality shall impose any further tax than herein provided for on the oyster or clam industry.’

I also beg to call your attention to latter clause of Paragraph 9 of Section 17, Chapter 6421, Laws of Florida, which reads as follows:

'Canning factories, oyster, owners or managers of, engaged in the business of canning oysters, shall pay a license tax of fifty (\$50.00) dollars.'

There seems to be an apparent conflict regarding the collection of license tax from canning factories between these two laws, and our oyster canning factories are anxious to know which of the license taxes they should pay. I conferred with Mr. W. V. Knott, Comptroller, this morning regarding the matter of instructions by him to the tax collectors and he suggested I refer the matter to you in order that you might render your opinion as to whether the tax of \$50.00 should be paid as provided for in Chapter 6421."

The tax imposed by Chapter 6421 is collected by the tax collectors of the different counties under the general supervision of the Comptroller's Department, whereas the tax imposed by Chapter 6532 is collected through your Department.

In order to collect the tax imposed by the law, the general administration of which is within your Department, it is not essential to determine the validity of the tax imposed by the other statute, and inasmuch as there appears no doubt of the validity of the statute under which you are acting, it is clearly your duty to proceed to collect the tax imposed by said statute.

In the case of *Curry et al. vs. Lehman*, 55 Fla. 847, the Supreme Court lays down the following rule for construing statutes such as those involved here:

"It is to be presumed that different Acts on the same subject passed at the same session of the Legislature are imbued by the same spirit and actuated by the same policy

and they should be construed each in the light of the other. The legal presumption is that the Legislature did not intend to keep really contradictory enactments in the statute books, or to effect so important a measure as the repeal of a law without expressing an intention to do so. An interpretation leading to such a result should not be adopted unless it is inevitable. The rule of construction in such cases is that if courts can by any fair, strict or liberal construction find for the provisions a reasonable field of operation, without destroying their evident intent and meaning; preserving the force of both, and construing them together in harmony with the whole course of legislation upon the subject, it is their duty to do so."

By referring to the second paragraph of Section 10 of Chapter 6532, quoted in your communication, it will be seen that it does not purport to inhibit the State from imposing a further State license tax upon the industry referred to, but only provides that no county, city, town or municipality shall impose any further tax upon the industry.

When the language used by the Legislature is considered in the light of the rule of construction above quoted, I would say that both statutes may well be held to be valid, and that there is no sufficient reason for assuming that the Legislature intended to repeal one by the other.

Yours very truly,

T. F. WEST,

Attorney General.

AUTHORITY OF COUNTY COMMISSIONERS TO
APPROPRIATE MONEY FOR PLANTING OYSTERS

Tallahassee, Fla., April 3, 1914.

*Hon. W. A. McRae,
Commissioner of Agriculture,
Tallahassee, Florida.*

Dear Sir:—

Yours of the 31st ultimo has been received.

I note your inquiry, which is stated as follows:

“Second paragraph of Sec. 25, Chapter 6532, Laws of Florida, reads as follows:

‘The Shell Fish Commissioner shall, under the supervision of the Commissioner of Agriculture, for the best interest of the Shell Fish Industry of this State, spend not exceeding ten thousand dollars per annum in creating, improving, enlarging and protecting natural oyster reefs or beds in this State, and in carrying on experiments for the enlargement and betterment of the Shell Fish Industry, as said Commissioners may determine, provided, there is at such time remaining to the credit of the shell fish industry with the State Treasurer above current expenses, such sum of money as is proposed to be used for that purpose. The Board of County Commissioners of the several Counties of this State, in order to accomplish the purposes of this Act, are hereby authorized and permitted to appropriate and expend such sum or sums as they may deem proper for the purpose of planting or transplanting oyster shell or cultch, out of any sum in the county treasury not otherwise appropriated.’

I beg to call your attention to the latter clause, referring to appropriation of money by the county commissioners for planting shell or cultch. The county commissioners of Franklin County made such an appropriation and they have been enjoined on petition of C. H. Lind

on the grounds that the provision is unconstitutional. I would thank you to give me your opinion as to whether the county commissioners have such a right under the provisions of the Statte Constitution. Your early reply will greatly oblige."

The provision of the statute about which you inquire seeks to confer upon board of county commissioners authority to appropriate and expend county funds for the purpose named in the statute; and it appears from your communication that a suit has been brought and is now pending in the courts of this State which will test the validity of the provision conferring such authority.

The rule in this State is that a statute should not be declared unenforceable because unconstitutional unless it appears beyond a reasonable doubt that there is no reasonable basis for it within the law-making power of the Legislature, and inasmuch as the question involved here is the issue to be determined in the case which you refer to, it would seem to me that the proper course to pursue is to assume that the statute is valid until it is declared to be unconstitutional by the court.

Respectfully submitted,

T. F. WEST,

Attorney General.

TERM OF IMPRISONMENT MAY BEGIN ON DATE
OF SENTENCE.

Tallahassee, Fla., April 23, 1914.

*Hon. W. A. McRae,
Commissioner of Agriculture,
Tallahassee, Florida.*

Dear Sir:—

Yours of the 18th inst. has been received.

I note your inquiry, stated in the following language:

"I herewith hand you a communication from Supervisor J. B. Thomas, in which he asks me for an opinion relative to County Prisoners remaining in jail for five days for the purpose of allowing them an opportunity to pay their fines.

It seems to be some confusion as to whether these five days should be a portion of the prisoners sentence or not.

I would thank you if you would give me an opinion in the matter."

The statute on this subject is Chapter 5623, Acts of 1911, Section 1 of which reads as follows:

"Persons convicted of crime in the Justice of the Peace Courts or the County Judge's Courts who shall have a pecuniary fine or sum of money assessed or adjudged against them as punishment, shall have the right on being taken into custody by the proper officer of the court, or prior to such arrest, any time within five days from the time he is sentenced to pay the said fine and costs or to give the bail for the payment of such fine and cost of prosecution, as provided in Section 4018 of the General Statutes of the State of Florida, and such persons convicted in the Justice or County Judge's Court, shall not be transferred or turned over to the Convict lessees or other persons working the County prisoners, until the expiration of five days from the day such person was sentenced by the court."

Sentences in criminal proceedings take effect from the date of their entry, unless a different date for the commencement of the sentence is fixed by the court in its judgment, and as a general rule the imprisonment begins with the sentence.

I am, therefore, of the opinion that the five day period referred to in the statute is, in the class of cases therein defined, a part of the term of imprisonment imposed in such cases, unless it appears in the judgment that the

sentence is to begin and run from and after the expiration of the five-day period.

Respectfully submitted,

T. F. WEST,
Attorney General.

PROPER FORM OF STATE CHEMIST'S CERTIFICATE OF ANALYSIS OF FERTILIZERS TO BE USED IN EVIDENCE.

Tallahassee, Fla., Aug. 20, 1914.

Hon. W. A. McRae,
Commissioner of Agriculture,
Tallahassee, Florida.

Dear Sir:—

I am in receipt of your communication containing a request, in which the State Chemist joins, for an opinion from this office upon the following matters:

1. Your first inquiry is stated as follows:

“Please advise this office as to the proper method of certifying certificates of analysis of fertilizers under the construction of the law by the Supreme Court in the case of *Kimbrow et al. vs. Bradshaw.*”

This is a recently decided case, reported in 68 Fla.—, 65 Sou. Rep. 868, in which the court considers the provisions of Sections 1271 and 1272 of the General Statutes of 1906, on the subject mentioned in your inquiry.

The certificate of analysis offered in evidence in that case was verified by the affidavit of an Assistant State Chemist. The Circuit Judge excluded it on the theory

that it was not in compliance with the statute above mentioned, requiring that the certificate of analysis in such cases, when verified by the affidavit of the State Chemist, shall be competent evidence in any court of law or equity in this State. The Supreme Court upheld the ruling of the lower court, using this language:

"The certificates of annlysis rejected as evidence were verified by the affidavits of an Assistant State Chemist and not by an affidavit of the State Chemist, as expressly required by the statute."

It necessarily follows that the answer to your question is that the proper method of verifying the certificate of analysis in such cases is by the affidavit of the State Chemist; the court having expressly decided that a verification by the affidavit of an Assistant State Chemist is not a compliance with the statute.

2. The second branch of your inquiry embraces two closely allied questions, which you state as follows:

(a) "Is it necessary to place the sample in a bottle, or will a tin can, properly sealed, be a legal package?"

(b) "Is it necessary for the sender to advise the Agricultural Department of the compliance with all the requirements of the law—the names of the witnesses, the name of the party for whom the sample was drawn, and the name of the disinterested party by whom the sample was forwarded to the Commissioner of Agriculture?"

My judgment is that the statute should not be construed as requiring that your Department should pass upon these questions, and require the purchaser sending a sample of commercial fertilizer for analysis to submit evidence to your satisfaction that he has complied with the provisions of the statute above referred to before he is entitled to have the analysis made and a verified certificate showing the result of such analysis returned to him. Furthermore, the State Chemist would be fully warranted in analyzing samples of commercial fertilizer

sent to him or to the Commissioner of Agriculture for that purpose, although it may not have been placed in a bottle or tin can for shipment, and although it may not be accompanied by proof that it was taken and forwarded in strict compliance with the terms of the section of the statute mentioned. See Sections 1263 and 1275 of the General Statutes of 1906.

Read in connection with other sections of the statute on this subject, it is apparent that the general design and purpose of the law is to protect citizens of this State who purchase commercial fertilizers from fraudulent practices and deception of manufacturers of such fertilizer, and incidentally to provide an inexpensive method by which such citizens may ascertain if they have received what they have purchased.

The purpose of that provision involved in this inquiry, as expressly stated therein, is to "protect the manufacturer or vendor from the submission of (for) analysis of spurious samples," when a purchaser invokes the remedies given him under this law.

If a purchaser takes a sample of the fertilizer purchased and forwards it to you in the manner prescribed, and the State Chemist analyzes such sample, and verifies his certificate of analysis as required, then such certificate may be received in evidence in a proceeding under the statute, but the law does not make it incumbent upon the Commissioner of Agriculture to determine that such sample has been taken and forwarded in strict compliance with the terms of the sections of the statute mentioned before the State Chemist shall be directed to proceed with the analysis of such sample. To do this would require that you take evidence of such facts in each case, or that proof of same—which would necessarily be *ex parte* in each case—be furnished with the sample, thus requiring that you investigate and pass upon such facts, which would, in addition to other objections, require much time

and cause unnecessary delay. This procedure would operate to a large extent against the salutary purposes of the law, and such interpretation should not be adopted.

The necessary conclusion is that it is not essential that you investigate or pass upon the questions embraced in the second sub-division of your inquiry when samples of commercial fertilizer are submitted to your Department for analysis.

Respectfully submitted,

T. F. WEST,

Attorney General.

DISPOSITION OF COMMERCIAL FEEDING STUFF
AND COMMERCIAL FERTILIZERS WHEN
ADULTERATED OR MISBRANDED.

Tallahassee, Fla., Sept. 21, 1914.

*Hon. W. A. McRae,
Commissioner of Agriculture,
Tallahassee, Fla.*

Dear Sir:—

Yours of the 19th inst. has been received.

I note your inquiry, as follows:

“Subsequent to my several verbal requests, I am writing you this letter with request that you give me an opinion as to the proper method of procedure to be taken by the Commissioner of Agriculture in the matter of enforcing the Commercial Feeding Stuff and Commercial Fertilizer Laws, when official samples of feeds and fertilizers are properly drawn by the Inspectors, and are found upon analysis by the State Chemist, to be misbranded or adul-

terated within the meaning of the Acts governing the manufacture and sale of such goods.

Both the Commercial Feeding Stuff and Commercial Fertilizer Laws, fixes the fine or other punishment to be imposed by the courts when the laws have been violated, but the duties of the Commissioner of Agriculture are not clearly defined. Hence, this request for an opinion on this subject."

Replying to this inquiry, I beg now to confirm my verbal opinion heretofore expressed to you, as follows:

In any case where it is officially made known to you that commercial feeding stuffs or commercial fertilizers, which is offered for sale in this State, is misbranded or adulterated, within the meaning of the term as defined in the statutes on the subject, it is your duty to direct that such feeding stuffs or fertilizer be seized and sold or destroyed by the sheriff of the county in which they may be found.

You will find the law on this subject, relating to commercial feeding stuffs, in Section 3 of Chapter 5452, Acts of 1905, Laws of Florida, as follows:

"Any manufacturer, importer, jobber, agent or seller who shall sell, offer or expose for sale or distribution in this State any commercial feeding stuff as defined in this Act, without complying with the requirements of this Act, or who shall sell, offer or expose for sale or distribution any commercial feeding stuff which contains substantially a smaller percentage of constituents than are certified to be contained, or who shall adulterate any feeding stuff with foreign, mineral or other similar substance or substances, such as rice hulls or chaff, peanut shells, corn cobs or other similar material of little or no feeding value, or with substances injurious to the health of domestic animals, shall be guilty of a violation of the provisions of this Act, and the lot of feeding stuff in question shall be subject to seizure, condemnation and sale

or destruction by the sheriffs *under direction of the Commissioner of Agriculture.*"

And the law relating to commercial fertilizers in Section 3 of Chapter 4983, Acts of 1901, Laws of Florida, as follows:

"Any commercial fertilizer or cotton seed meal offered for sale by any manufacturer or importer, or by any agent of any manufacturer or importer, found on analysis by the State Chemist to be materially deficient in the valuable ingredients guaranteed to be contained therein, ammonia, available phosphoric acid, or potash, or to be made from materials not stated on the guarantee tag, *shall be subject to seizure and sale by the sheriff on the order of the Commissioner of Agriculture.*"

Respectfully submitted,

T. F. WEST,

Attorney General.

OPINIONS TO STATE TAX COMMISSION.

TAXATION OF MOTGAGES.

Tallahassee, Fla., March 18, 1914.

The Tax Commission,

Tallahassee, Fla.

Gentlemen:—

Yours of the 5th inst. has been received.

I note your inquiry, stated as follows:

"Please give us your official construction of that part

of the 7th paragraph of Section 13, Chapter 5596, Acts of 1907, that relates to mortgages."

The paragraph referred to is in the following language:

"7th. The value of all household and kitchen furniture, books, wares, silver ware, moneys in possession or at interest, or capital invested in trade, including notes, mortgages, except given for the purchase money and accounts."

The section of the statute in which this paragraph appears is for the purpose of directing that the property enumerated in the paragraph quoted, together with other property enumerated in other paragraphs of the section, shall be set down by the assessor in the assessment rolls of the county.

That portion of the paragraph involved in this inquiry is in the following language:

"Moneys in possession or at interest, or capital invested in trade, including notes mortgages, except given for the purchase money and accounts."

Under this paragraph it is clear that moneys in possession or at interest, or capital invested in trade, including notes and mortgages, are to be set down in the assessment rolls as taxable property of the owner of such property. And it is also clear that notes and mortgages given for purchase money and accounts are not to be set down in the assessment rolls and are, therefore, exempt from taxation.

"Purchase money," as the term is used in this statute, is defined as the consideration in money paid or agreed to be paid by the purchaser to the vendor of property.

It has been held that money loaned to be used in purchasing property, and actually used in making the purchase, and paid to the vendor as a part of the consideration for such purchase, is purchase money. *Houlehan vs. Rassler*, 73 Wis. 557, 41 N. W. 720. But I think the

sounder rule is that which holds that the term "purchase money," as here used, is purchase money as between the vendor and purchaser only, and that as between borrower and lender the money is "borrowed money." *Heiusler vs. Nickum*, 38 Md. 270.

For instance, if B buys land from A, paying a part of the consideration, or purchase price, in cash, and giving a note payable at a future date, secured by mortgage on the land purchased for the balance due, such note and mortgage are clearly in the hands of A, the vendor, a purchase money note and mortgage, they having been given to secure the payment of the balance due on account of the purchase price of the land purchased; but if B, in making the purchase, gives a note and mortgage upon the land purchased to C, and borrows money with which to pay A, the note and mortgage made to C is not a purchase money note and mortgage, for the reason that C was in no sense a party to the sale or purchase of the land. His agreement was with B, and the relation between B and C is that of borrower and lender.

There is some vagueness about the meaning of the concluding words of this paragraph, namely, "and accounts."

The Legislature could not have intended to say that all "accounts" are exempt from taxation and that no "accounts" should be entered upon the assessment rolls of the county. This is obvious because in Section 3 of the Act, in defining the meaning of the term "personal property and personal estate" for the purpose of taxation, as used in the statute, it is stated that the term shall include "all goods and chattels, moneys and effects, all boats and vessels, *all debts due or to become due from solvent debtors whether on account, contract, note or otherwise.*"

I would say, therefore, that construing this expression in the light of the context, the exception should read as follows: "except given for the purchase money and purchase money accounts," so that the accounts exempted from taxation are purchase money accounts.

The conclusion, therefore, is that the intent and purpose of the Legislature was to except from the assessment rolls and exempt from taxation such notes and mortgages as are given to secure the payment of purchase money or accounts due for purchase money and properly classified as purchase money notes and mortgages as herein defined.

Respectfully submitted,

T. F. WEST,

Attorney General.

AUTHORITY OF TAX ASSESSOR OVER ASSESS-
MENT AFTER COUNTY COMMISSIONERS
EQUALIZE ASSESSMENTS.

Tallahassee, Fla., Aug. 5, 1914.

*The Tax Commission,
Tallahassee, Fla.*

Gentlemen:—

Your communication of this date has been received.

As you request a reply at my earliest possible convenience, I have given the subject of your inquiry immediate attention.

I note copy of resolution adopted by your Board accompanying your letter, in the following language:

“That the appeal of the Tax Assessor of Liberty County, Mr. J. A. Shuler, be referred to the Attorney General with a request for an opinion by him as to what the authority of the Tax Commission is to act in the matter, passing on the issue between the assessor and the county board and of determining the value of the lands that

have been lowered and assessing the same or of ordering the assessor of county board, or both, to do so, and what action the Commission has a right to take in the matter at this time."

The precise point upon which you desire an opinion is stated in your communication as follows:

"You will note by notice of equalization, in the paper herein handed you, that that hearing was held on August 3rd and we wish to know if we have authority to take steps to alter the assessment after that hearing."

It is settled law that the owner of property should be given an opportunity to be heard upon the question of the valuation to be placed upon his property for the purposes of taxation.

Under our system this hearing is had before the Board of County Commissioners of the respective counties. Due notice of the meeting of the Board of County Commissioners for the purpose of this hearing is required to be given. At such hearing a property owner may appear and offer testimony touching the question of the value of his property as fixed by the assessor of taxes. Upon such hearing the Board may, in the discharge of its statutory duties in the premises of "perfecting, reviewing and equalizing the assessment," raise or lower the value placed by the Tax Assessor upon the property of such owner for assessment purposes.

It appears from your communication as above quoted that the hearing in this case has been concluded, and that the Board of County Commissioners did in fact lower the value fixed by the assessor upon certain items of property. The property owner and tax-payer has, therefore, acquired rights which cannot be ignored.

My opinion is that, under this state of facts, and at this time, you have no legal authority to alter the assessment values of the items of property that have been duly ad-

justed by the Board of County Commissioners for the purpose of equalizing assessment values at the hearing given in due course.

Very respectfully,

T. F. WEST,
Attorney General.

TAXATION OF BANK SHARES OF STOCK IN-
VESTED IN NON-TAXABLE BONDS.

Tallahassee, Fla., Oct. 10, 1914.

*Messrs. John S. Edwards and
R. J. Patterson, Tax Commissioners,
Tallahassee, Fla.*

Gentlemen:—

Yours of the 10th inst. has been received.

I note your inquiry as follows:

“The national Banks of Gainesville, Fla., have taken the position that the State cannot tax the surplus accounts of the banks where such surplus is invested in United States bonds, or other non-taxable Federal securities, and are now insisting that they be allowed credit in the assessment of the surplus of said banks where they have invested these funds in such securities. You will note that they only claim exemption of the surplus on account of the aforesaid investment.

We will thank you for an opinion covering this matter at your earliest convenience, as the tax book of that county is held open pending your opinion in the matter.”

Replying to the same will say that in my opinion the fact that a part of the capital stock or surplus of a

National Bank may be invested in tax-exempt bonds does not affect the value of the shares of stock of such banks for the purposes of taxation, and the value of the bonds should not be deducted from the amount of the capital and surplus of such banks when ascertaining the value of the shares of stock for the purpose of taxation. *Tarrant v. Bessemer National Bank*, 61 Southern Reporter 47.

Respectfully submitted,

T. F. WEST,
Attorney General.

AUTHORITY TO ASSESS TAX ON MINERAL
RIGHTS IN LANDS TO ITS OWNER AND THE
SURFACE LANDS TO ANOTHER PERSON.

Tallahassee, Fla., Dec. 16, 1914.

*The Tax Commission,
Tallahassee, Fla.*

Gentlemen:—

Yours of the 5th inst. has been received.

I note your inquiry, as follows:

“We are herewith enclosing to you a letter from Hon. John C. McGrew, Tax Assessor of Alachua County, which explains itself. We will thank you for your written opinion in this matter in order that we may be able to advise Mr. McGrew.”

It is stated in the letter of the Tax Assessor attached to your communication, that his predecessor in office assessed the mineral rights in land to one person and the surface of the land to another person, it appearing from

conveyances existing that the person to whom the mineral rights were assessed had formerly owned the entire property, but had made a conveyance of the property in which he reserved in himself title to the mineral rights, or deposits in the land.

That one may own a surface estate in fee in land while another owns an estate in fee in the mineral deposits beneath the surface of the land seems to be settled.

The Supreme Court of Kentucky states the rule as follows:

"The owner of land may convey a surface estate in fee in it, and reserve to himself an estate in fee in the minerals, or any particular species of them, in which case the vendee holds a distinct and separate estate in the surface or soil, and the vendor holds a distinct and separate estate in the minerals. By this severance each estate is subject to the law of descent, or devise, or conveyance." *Kincaid vs. McGowan*, 88 Ky. 91, 13 L. R. A. 289.

It is further held in the same opinion that:

"Minerals in place are land. They are subject to conveyance, the surface right may be in one man and the mineral right in another. Both in such a case are land owners. They own separate and distinct corporeal hereditaments."

The Supreme Court of Pennsylvania, in a case where a similar question was involved, said:

"The mining of coal and other minerals is constantly developing new questions. Formerly a man who owned the surface owned it to the center of the earth. Now the surface of the land may be separated from the different strata underneath it, and there may be as many different owners as there are strata." *Chartiers Block Coal Co. vs. Mellon*, — Pa. —, 18 L. R. A. 702.

And further, this court said:

"The comparatively recent development of the science

of geology and mineralogy, and the multiplication of mechanical devices for penetrating the earth's crust, have greatly changed the uses and the values of lands. Tracts that were absolutely valueless, so far as the surface was concerned, have come to be worth many times as much per acre as the best farming lands in the commonwealth, because of the rich deposits of coal or iron, or oil, or gas known to underlie them at various depths. These deposits are sometimes found, however, beneath well cultivated farms, so that the surface has a large market value apart from the value of the deposits of coal or other minerals under it. In such cases, the owner is rarely able to utilize the lower stores of wealth to which he has title, by mining operations conducted by himself, and for this reason he sells them to some person or corporation to be mined and to be moved. So it often happens that the owner of a farm sells the land to one man, the iron or oil or gas to another, giving to each purchaser a deed or conveyance in fee simple for his particular deposit or *stratum* while he retains the surface for settlement and cultivation precisely as he held it before. The severance is complete for all legal and practical purposes. Each of the separate layers of *strata* becomes a subject of taxation, or incumbrance, levy and sale, precisely like the surface."

The Tax Assessor does not advise fully as to the facts in the cases referred to but if it is found that the assessment of the mineral rights is legal in matters of form, and the taxes thereon are not paid, I suggest that the proper course to pursue is to sell such mineral rights in the same manner as other real property is sold under the statute for non-payment of taxes.

The precise question presented has not been passed upon by the Supreme Court of this State, and it may be that the Legislature did not have in mind a situation of this kind, when the statute relating to tax assessments and the collection of revenue was passed; but since this assessment has been made in this way, the matter may

as well be tested and the question put at rest for the guidance of those who are charged by law with the duty of collecting the State's revenues.

I realize that the policy heretofore has been to make only one valuation for the purpose of taxation upon real estate, although it may be that the title to the surface is in one person, while the title to mineral rights or deposits beneath the surface may be in another, but my judgment is that the testing out of the question, as herein suggested, will result in placing property of large value, which is not now reached for taxation, upon the tax books.

Respectfully submitted,

T. F. WEST,
Attorney General.

OPINIONS TO STATE BOARD OF HEALTH.

HOG CHOLERA SERUM — TRANSPORTATION
CHARGES ON SERUM SENT TO CITIZENS.

Tallahassee, Fla., Jan. 29, 1914.

*Dr. Joseph Y. Porter,
State Health Officer,
Jacksonville, Fla.*

Dear Sir:—

Yours of the 28th inst. has been received. I note your inquiry, as follows:

"Will you kindly indicate to me an official opinion as to the construction of Chapter 6167, of the Laws of Flor-

ida, approved June 3, 1911; being an 'Act to Establish, Maintain and Operate a Hog Cholera Serum Plant, to Authorize the State Board of Health to make Rules for the Protection and Distribution of said Serum;' whether the language of the act which states 'no cost shall be charged by the State Board of Health for the hog cholera serum so distributed;' should be construed as prepaying the express or freight charges on such serum from the office of the Board at Jacksonville to the various points of the State?"

The Act referred to was crudely drawn, the language used not being clear upon the point about which you inquire, that is to say, whether or not the State Board of Health should pay transportation charges upon hog cholera serum distributed as provided for in the act.

You will note also that while the title to the act would authorize the Board to make rules for the protection and distribution of this serum, there is nothing in the Act itself on this subject.

I would say that a fair interpretation of the language used would not require the Board to pay transportation charges upon the serum distributed, but having in mind the beneficent purpose of the statute and the evil intended to be remedied, in my opinion the Board would be warranted in construing the language used as authorizing the expenditure of the amount required for transportation charges in distributing and delivering the serum to the farmers of the State.

Very respectfully,

T. F. WEST,

Attorney General.

AMOUNT OF BOARD OF HEALTH FUNDS TO BE
DEVOTED TO HOG SERUM DISTRIBUTION.

Tallahassee, Fla., Sept. 25, 1914.

*Hon. Joseph Y. Porter,
State Health Officer,
Jacksonville, Fla.*

My dear Sir:—

Yours of the 16th inst. has been received.

I note your inquiry, as follows:

"The demand for free hog-cholera serum on the part of our farmers, has reached such proportions that this Board must seek some means of limiting the amount of serum which it will supply. At the present rate of distribution of serum it will require probably one-fourth of the income of this Board, this year.

Will you be kind enough to express an opinion upon the point as to whether the State Board of Health can, under the present law, Chapter 6167, 1911, decide the amount it will supply to an applicant."

The statute on the subject, Chapter 6167, Acts of 1911, is in the following language:

"Section 1. The State Board of Health is hereby authorized and empowered to establish, maintain and operate a plant for the protection and distribution of hog cholera serum for the purpose of distribution to the farmers of this State upon application therefor.

No cost shall be charged by the State Board of Health for the hog cholera serum so distributed."

Replying to your inquiry I will say that while the furnishing of hog cholera serum to the farmers of this State is a matter of great public importance, it is relatively of

less importance than the protection and preservation of the health of the people of the State and, therefore, I would say that the Legislature could hardly have intended that your Board should use so much of its annual income in furnishing such serum to the farmers as would interfere with the necessary work of the Board in looking after the public health.

The necessary conclusion is that while as much of the fund as possible should be used for the first named purpose, this should not be done to the disadvantage and neglect of the other, and my judgment is that the law should be thus interpreted.

Respectfully,

T. F. WEST,

Attorney General.

TREATMENT OF CHILDREN "DEFORMED IN FEET
AND LIMBS" BY STATE BOARD OF HEALTH.

Tallahassee, Fla., Oct. 31, 1914.

Dr. Joseph Y. Porter,

State Health Officer,

Jacksonville, Fla.

Dear Sir:—

Yours of the 28th inst. has been received.

I note your inquiry, as follows:

"Will you kindly construe for me, Chapter 6133 of the Laws of Florida, approved May 30, 1911; being an 'Act to Authorize and Direct the State Board of Health to Establish a Hospital for the Treatment of Indigent Crippled Children, and Providing an Appropriation therefor;' ad-

vising as to whether under the provisions of this Act the State Board of Health has authority to extend aid in this regard to children of the State who are indigent and suffering from cleft palate, or strabismus, or other malformations, not directly connected with limb deformity.

My belief is, that the bill, as originally drawn by Governor Gilchrist, who was responsible for it, intended aid of this character should be given to children who were deformed in feet and limbs to the extent that it prevented them from earning a livelihood, and if corrected, would probably make them self-sustaining citizens."

In view of the salutary and beneficent purposes of the statute referred to, my judgment is that a liberal construction should be placed upon the language employed, and it may be that it should not be limited in its application to those only who are "deformed in feet and limbs," but it appears clear that it does not include those suffering from cleft palate or strabismus. On the other hand, it seems to me that one might very properly be regarded as "crippled," within the meaning of the statute, who suffers from any malformation deformity or injury which directly interferes with the powers of locomotion.

Respectfully submitted,

T. F. WEST,

Attorney General.

OPINIONS TO OTHER STATE OFFICERS.

FIRE ESCAPES FOR HOTELS—ENFORCING
REGULATION.

Tallahassee, Fla., Nov. 13, 1913.

Hon. A. L. Messer,
Hotel Commissioner,
Tallahassee, Fla.

Dear Sir:—

Yours of 6th inst. has been received. Your request for an opinion is stated in the following language:

“Under the law regulating hotels, restaurants, etc., Chapter 6475, Laws of Florida, Acts of 1913, Section 14, I write to ask in case should owners of such hotels requiring fire escapes fail or refuse to erect them after being given due notice to do so, what steps can I take, if any, to prevent them from keeping open such building for the accommodation of guests, when their lives are in danger by not having the proper equipment to give protection to life in case of fire.”

It is provided in Section 14 of Chapter 6475, as follows:

“That within six months after the passage of this Act every hotel, or restaurant in this State occupied by one or more families or tenants, aggregating twenty persons or more, which is more than two stories high, and having fifteen or more sleeping rooms on third floor, or if three stories high or over shall be equipped with an iron stairway, fire escape or fire escapes, on the outside of the building connecting on each floor above the ground floor and to the cornice of the building, with openings from each floor, which shall be well fastened and secured, with

landings not less than six feet in length and three feet in width, guarded by an iron railing not less than thirty inches in height. Such landing shall be connected by iron stairs not less than two feet wide with steps not less than six inches tread and placed at an angle of not more than forty-five degrees. The way of egress to such fire escapes shall at all times be kept free and clear of any and all obstructions of any kind and every nature. At every opening to every fire escape a red light shall be kept burning at night. Fire escapes shall be placed where the Hotel Commissioner may direct. And if more than fifteen sleeping rooms on each floor, above the second floor, there shall be provided one such described fire escape for each additional fifteen sleeping rooms on each floor. There shall be posted and maintained in conspicuous places in each hall and in each guest room, except in the hall and rooms on the ground floor of such hotel plainly written notices reading: 'Fire Escapes are indicated by red lights.' And every hotel less than four stories high and having less than fifteen sleeping rooms on the third floor, shall have hallways placarded to indicate all stairway and exits and shall keep a five-eighths inch rope of sufficient length to reach the ground in each outside room, to be fastened six feet above the floor near window in a substantial manner and capable of sustaining at least five hundred pounds weight; Provided, however, that nothing in this section shall be construed to prevent the use of any automatic rope fire escape, in place of the knotted rope."

It is also provided in Section 9 of this Chapter as follows:

"Every person, firm or corporation, who shall fail or refuse to comply with the provisions of Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and whose duty it is to comply as provided in said Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 shall be deemed guilty of a misdemeanor and shall be subject to a fine of five dollars for each and every day he may fail or refuse to so comply; and if for thirty

days after any final conviction, or any such violation, he or they still fail or refuse to comply with said Sections mentioned in such notice, the building and premises involved may be closed for use as such hotel or restaurant, until all the provisions of this Act shall be complied with, upon five days' notice thereof, from the Hotel Commissioner."

It will be noted that it is provided in the last quoted section, that is to say Section 9, that every person, firm or corporation, who shall fail or refuse to comply with the provisions of certain enumerated Sections of this statute, including the Section first quoted above, that is to say Section 14, shall be deemed guilty of a misdemeanor and shall be subject to a fine of five dollars for each and every day he may fail or refuse to so comply; and if for thirty days after any final conviction for any such violation, he or they shall fail or refuse to comply with the provisions of said Sections the building may be closed for use until all the provisions of this Act shall be complied with, upon five days' notice being given by the Hotel Commissioner.

This prescribes your authority and defines what action you should take in such cases as that outlined in your communication.

Very respectfully,

T. F. WEST,

Attorney General

PROPER CUSTODIAN OF PROCEEDS OF SPECIAL
TAX SCHOOL DISTRICT BONDS.

Tallahassee, Fla., Aug. 1, 1914.

*Hon. Ernest Amos,
State Auditor,
Tallahassee, Fla.*

Dear Sir:—

I acknowledge receipt of the request from your office for an opinion advising as to who is the proper custodian of funds derived from the sale of bonds issued by Special Tax School Districts under authority of Chapter 6549, Acts of 1913, Laws of Florida.

The question, as I understand it, is whether or not this fund should be under the control of the Board of Trustees of the District or of the Board of Public Instruction of the county, and in either case, if it should be held and disbursed by the Board or by the County Treasurer in the same manner as other county school funds are held and disbursed.

It is provided in Section 11 of the statute mentioned that:

“The proceeds derived from the sale of said bonds shall be expended by said County Board of Public Instruction for the purpose or purposes for which the said bonds were authorized by said Special Tax School District.”

It is provided by Section 413 of the General Statutes that the funds of Special Tax School Districts shall:

“be paid out by warrants of the Board of Public Instruction of the county upon the County Treasurer.”

It is provided by Section 346 of the General Statutes that:

"The County Treasurers of the several counties shall be and are hereby constituted the Treasurer of the School Fund in their respective counties."

In the case of Trustees of Special Tax School District vs. Lewis, 63 Fla. 691, the Supreme Court held that:

"The statutory authority of the Trustees of the Special Tax School District with reference to schools in the district *is not of control but of supervision only* and does not include a right in the Trustees to make the lease of the school property of the county involved in this controversy."

It would appear then that the Trustees, having only a supervisory authority and power would not be entitled to the control of the funds derived from the sale of bonds. In addition to this, it appears from the quoted section of the statute authorizing the issuance of such bonds that the proceeds derived from the sale of the bonds shall be expended by the County Board of Public Instruction. It appears further from the quoted provisions of Section 413 of the General Statutes that Special Tax School District funds shall be paid out by warrants of the Board of Public Instruction of the county upon the County Treasurer; and, inasmuch as it is expressly provided by Section 346 of the General Statutes, quoted above, that the County Treasurers of the counties shall be the treasurers of the school funds, in their respective counties, the conclusion is inescapable that the funds derived from the sale of bonds should be paid over to and held by the County Treasurer in his official capacity as Treasurer of the School Fund of the county, and disbursed by him upon warrants drawn by the Board of Public Instruction of such county.

Very respectfully,

T. F. WEST,

Attorney General.

EMPLOYMENT OF CHILD UNDER EIGHTEEN
IN BREWERIES.

Tallahassee, Fla., July 10, 1914.

*Hon. J. C. Privett,
State Labor Inspector,
Jacksonville, Fla.*

Dear Sir:—

Yours of the 8th inst. has been received.

I note your inquiry, as follows:

"The question as to the age limits for employment of minors in a brewery has been asked by the manager of the Jacksonville Brewing Company.

Section 10 of Chapter 6488 provides that 'No person under 21 years of age shall be employed, permitted or suffered to work in, about or in connection with any saloon or barroom where intoxicating liquors are sold.'

While beer is being sold at wholesale at the brewery, and three boys between the ages of 16 and 18 are employed at placing labels on bottles and packing in barrels, do you construe Section 10 as applicable to employment of minors in connection with breweries?

The boys were left in employment until a decision from you has been rendered."

It is not entirely clear that it was the intention of the Legislature to forbid by Section 10 of Chapter 6488 the employment of persons under twenty-one years of age in breweries, or if it was the intention of the Legislature, language sufficient to remove all doubt of such intention was not employed in this Section.

You will note, however, that Section 3 of Chapter 6516, Acts of 1913, is in the following language:

"That it shall be unlawful for any person keeping or carrying on, either by himself or another, a place where intoxicating liquors, wines or beer are sold by retail or wholesale to employ a minor or female in his place of business."

In view of this statute, passed at the same session of the Legislature, and other statutes of like import, I think it proper to advise that the employment of persons under the age of eighteen in the capacity mentioned in your letter by breweries is forbidden.

Very respectfully,

T. F. WEST,
Attorney General.

EMPLOYING CHILD UNDER SIXTEEN YEARS
OF AGE.

Tallahassee, Fla., July 8, 1914.

*Hon. J. C. Privett,
State Labor Inspector,
Jacksonville, Fla.*

Dear Sir:—

Yours of the 3rd inst. has been received and noted.

You are, in my judgment, correct in holding that it would be a violation of the provisions of Chapter 6488 for a manufacturing company to permit or suffer one of its foremen to employ his own son, who is under the age limit, in the service of the company, notwithstanding such minor child is not on the pay-roll of the company, but assists the father, who is under contract with the company to turn out lathes from one of its machines.

Section 4 of the statute expressly provides that "No child under sixteen years of age shall be employed, *permitted or suffered to work* in any factory, workshop, laundry, mine or mill, unless," etc.

Very respectfully,

T. F. WEST,

Attorney General.

CHILDREN EMPLOYED IN "OYSTER SHUCKING
AND PACKING."

Tallahassee, Fla., Oct. 12, 1914.

*Hon. J. C. Privett,
State Labor Inspector,
Jacksonville, Fla.*

Dear Sir:—

Your letter of the 5th inst. received, in which you say you desire to know what employment "oyster shucking and packing" would apply to under the child labor law, being Chapter 6488 of the Laws of 1915, when children are employed in connection with oyster canneries.

Section 3 of said law provides as follows:

"Section 3. No child under fourteen years of age shall be employed, permitted or suffered to work in, about or in connection with any (1) mill, (2) factory, (3) workshop, (4) mechanical establishment, (5) laundry, (6) or on the stage in any theater."

I think that the words: "to work in, about or in connection with any * * * (2) factory, (3) workshop," would include such work as "oyster shucking and pack-

ing" when done in connection with a cannery. I would suggest, however, that this question has never been passed upon by the courts of this State, and it is not for me to say just what interpretation would be placed thereon by the courts. Similar child labor regulations are, by the courts of other States, given a broad, and not a restricted, construction in favor of the protection of the child in matters of education and training.

I do not think that the fact that the children so employed are of parents of other States would make the law any the less applicable as it applies to all children employed in this State, regardless of any citizenship.

should think you would have to be guided by the facts in each particular case, as to whether or not children are employed in violation of this Act, as it is almost impossible to lay down a general rule that would apply to all employments.

Very respectfully,

T. F. WEST,

Attorney General.

POWER OF BOARD OF PARDONS TO PAROLE
CHILDREN COMMITTED TO STATE REFORM
SCHOOL—JUDGE COMMITTING CHILD MAY
CHANGE ORDER OF COMMITMENT.

Tallahassee, Fla., May 20, 1913.

*Mr. W. H. Milton, Chairman,
Board Managers Reform School,
Marianna, Florida.*

Dear Sir:—

Replying further to your favor of May 15th, I beg to advise:

That, in my opinion, in a case where the Judge of the "Juvenile Court" commits a delinquent child to the Florida State Reform School under Chapter 6215 of the Acts of 1911, he may, under Section 8 of this Act, afterwards change or modify the order of commitment in his discretion.

In reference to the other inquiry, my opinion is, that the Board of Pardons has power to pardon or parole a person convicted of crime in this State, although he may be sentenced and committed to the State Reform School.

The power to pardon and discharge persons convicted of crime, is vested in the Board of Pardons. This power, however, may be exercised concurrently with the power of the Board of Managers of the State Reform School, to discharge persons confined there under certain conditions as stated in Chapter 5388 of the Acts of 1905 and Chapter 5915 of the Acts of 1909.

Very respectfully,

T. F. WEST,

Attorney General.

BOND GIVEN FOR FINES AND COSTS WHEN LOST
OR DESTROYED—SUED ON WHEN RE-ESTAB-
LISHED—CONVICTED PERSON PROCEEDED
AGAINST.

Tallahassee, Fla., May 21, 1913.

*Hon. A. D. Carmichael,
Prosecuting Attorney,
Chipley, Florida.*

My Dear Sir:—

Your letter of the 9th inst. to Governor Trammell in

reference to the case of the State versus Moore has been received and noted and, upon request from him, I am replying to your inquiry.

From your statement of the situation, I understand that Moore was convicted in the County Court of Washington County upon the charge of unlawfully selling liquor in the county; that upon being convicted he gave bond for the payment of the fine assessed against him and the costs of the prosecution and that he was thereupon discharged. That this bond has been lost and that the fine and costs secured by it have not been paid.

The appropriate procedure it seems to me would be to re-establish the bond as provided by Section 1996 of the General Statutes. This section was construed by the Supreme Court in the case of Robertson versus State, 45 Fla. 94, 34 South. Rep. 294.

After the bond is re-established, you can then proceed to collect it as provided by Section 4019 of the General Statutes.

It will be noted that Section 4019 provides that "the person convicted shall be liable to be proceeded against as if no such bond had been given, until the same has been fully paid and satisfied."

Yours very truly,

T. F. WEST,

Attorney General.

AUTHORITY OF COMMISSIONERS OF INDUSTRIAL
SCHOOL FOR BOYS TO APPOINT CITIZEN OF
JACKSON COUNTY SUPERINTENDENT.

Tallahassee, Fla., Nov. 30, 1914.

Hon. Ellis F. Davis,
Marianna, Fla.

My Dear Sir:—

Yours of the 28th inst. has been received.

I note your inquiry, as follows:

"The Commissioners of the Florida Industrial School for Boys requested me to write you for an opinion as to the constitutionality of the statute prohibiting any person from Jackson County being appointed as Superintendent of said school, and requested me to ask that you have the opinion here if possible by the 3rd day of December, which is next Thursday. If you will give this opinion, please forward same to me for their use."

The statute on the subject, is Section 4 of Chapter 6529, Laws of Florida, reading as follows:

"That the Superintendent of the said school shall not be a person who resides in or located in the county in which the said school is located, at the time of his appointment, and he shall live at the school and devote his entire time to the management thereof."

In Chapter 5384, Laws of Florida, commonly called the "Buckman Bill," in prescribing the qualifications of those persons who were to be appointed as members of the Board of Control created by the Act, it is provided, in Section 13, as follows:

"That there is hereby created a Board of Control which shall consist of five citizens of this State, one from East

Florida, one from South Florida, one from West Florida, one from Middle Florida and one from Middle South Florida who shall have been residents and citizens thereof for a period of at least ten years prior to their appointment, * * * . No member of said first Board shall be appointed from any county in which any of the institutions named in this Act are at present located, and no appointment upon such Board shall ever be made from any county in which any institution created, established or maintained by this Act is or may hereafter be located or situate."

In the case of State *ex rel.* Attorney General vs. Bryan *et al.*, 50 Fla. 293, pages 374 to 379, inclusive, of the report, the constitutional validity of the provision of the statute was considered.

In this case it was held that the provisions of the statute quoted were within the legislative power of the State and not obnoxious to the provisions of the Constitution of the State.

This I think is decisive of the question presented in your letter, as the two statutes are practically identical in effect.

It may be that there is a difference in the two positions, in that one is of greater dignity in character than the other.

The Justices of the Supreme Court, in an Advisory Opinion to the Governor, 49 Fla. 269, held that members of the Board of Control are civil officers under the Constitution of this State; whereas it might be held that the position of Superintendent of the Florida Industrial School for Boys is not an office, but only an "employment," as the term is defined in the case of State *ex rel.* Clyatt vs. Hocker 39 Fla. 477.

It is not necessary, however, to decide this question,

and I am not expressing any opinion as to it, but if the distinction does exist, it would only tend to strengthen the conclusions reached herein, because the Legislature would have greater latitude, I think, in prescribing the qualifications of Employes than it has in prescribing the qualifications of officers proper.

Yours very truly,

T. F. WEST,

Attorney General.

LETTERS OF THE ATTORNEY GENERAL

The following are some of the letters written in answer to the unofficial communications referred to heretofore in this report. These letters are of a general character, and may be of some benefit to county officials and the public generally; therefore, they are incorporated herein.

HOLDING THE OFFICE OF COUNTY TREASURER AND POST MASTER.

Tallahassee, Fla., January 16, 1913.

Dear Sir:—

Yours of the 14th inst. has been received and noted. My opinion is that the constitutional provision quoted in the Governor's letter to you, namely: "No person holding or exercising the functions of any office * * * under the government of the United States * * * shall hold any office of honor or profit under the government of this State," would prohibit your "exercising the functions" of Postmaster at Blountstown, as Assistant Postmaster, and, at the same time holding the office of County Treasurer of Calhoun County.

I am returning the letters sent me.

Yours very truly,

T. F. WEST,

Attorney General.

FEES OF TAX ASSESSOR AND COLLECTOR NOT
PAID FROM SCHOOL FUNDS.

Tallahassee, Fla., January 28, 1913.

My Dear Sir:—

Yours of 25th inst. has been received and noted.

Replying to same, I beg to say that, in my opinion, a Tax Assessor and Tax Collector have no right to deduct their fees from the school fund under Section 15 of Article 12 of the Constitution of Florida.

I concur in the opinion which you express, that they are not school officers, and since they are not school officers their compensation should not be paid from school funds.

Yours very truly,

T. F. WEST,
Attorney General.

FEES OF COUNTY TREASURER FOR DISBURSING
BORROWED MONEY.

Tallahassee, Fla., Jan. 30, 1913.

Dear Sir:—

It has been uniformly held by this office, for several years, and I concur in the view, that County Treasurers should not be paid a commission for receiving or disbursing borrowed money.

Yours very truly,

T. F. WEST,
Attorney General.

FEES OF COUNTY TREASURER UNDER CHAPTER
* 6241 ACTS OF 1911.

Tallahassee, Fla., February 8, 1914.

Dear Sir:—

Yours of 6th inst. has been received and noted.

Chapter 6241 of the Acts of 1911 is the present law regulating the fees or commissions of County Treasurers. This law went into effect January 1st, 1913, and this office has held, since the law becomes effective January 1st, 1913, that the Treasurer is entitled to one and one-half per cent. commission for the first ten thousand dollars collected during the year beginning January 1st, 1913, and one-half of one per cent. upon the balance collected during said year, and in like manner during each subsequent year. In other words, the basis of time for the collection is the calendar year.

Yours very truly,

T. F. WEST,
Attorney General.

HORSE HIRE FOR SHERIFFS.

Tallahassee, Fla., March 7, 1914.

My Dear Sir:—

Yours of 6th inst., has been received and noted. The exact point on which you desire my opinion does not appear entirely clear to me from your letter.

In my judgment, a proper construction of the paragraph of the Section quoted by you is, that the County Commissioners may allow, in proper cases, the item mentioned,

viz: "Horse hire, no more per day than—\$1.00," but what is a proper case in which to allow this item is not entirely clear. It does not mean, in my opinion, that this item should be charged in each case of service made by the Sheriff, or for each day without regard to service rendered. Since the Sheriff is paid mileage for distances actually travelled in rendering service to the county, the law does not contemplate that a conveyance should be supplied by the county, and therefore, I would say that in cases of emergency where a situation arises which was not contemplated or expected by the Sheriff, and it therefore becomes necessary that he engage a conveyance in order to properly perform the service, that then this charge may appropriately be made, the County Commissioners having discretion to determine the necessities of the case, and each case to be considered from the circumstances surrounding it, and in the consideration of such cases, the County Commissioners should have in view Section 1737 of the General Statutes, prohibiting improper charges against the county.

This office is not authorized to officially advise County Commissioners and this cannot, therefore, be regarded as an official opinion, but only as expressing my views upon the subject after a rather hurried examination of the law touching the question.

Yours very truly,

T. F. WEST,

Attorney General.

FRACTIONAL LICENSE TAX ON AUTOMOBILES.

Tallahassee, Fla., March 26, 1913.

My Dear Sir:—

Yours of 22nd inst. has been received and noted.

Chapter 6212, providing for license tax on automobiles

and other motor driven vehicles using the public roads or highways in this State, fixes the amount of such tax for each year, and there is no suggestion in this Chapter that a fractional license for any portion of the year may be issued.

This being the case, it seems to me that the proper course to be pursued is to require that the full amount be paid in each case.

You will understand, of course, that this is not an official opinion, as this office is not authorized to officially advise county officers.

With kind regards, I am

Yours very truly,

T. F. WEST,

Attorney General.

TAKING PUBLIC RECORDS FROM OFFICES TO BE BOUND.

Tallahassee, Fla., April 10, 1913.

My Dear Sir:—

Yours of 3rd inst. has been received and noted.

The Board of County Commissioners of the county have power "to order the county clerk to transcribe any book or books of record whenever the same are not properly bound or becomes mutilated. You will note that authorizes them to take such action as may be necessary to properly transcribe any book or record, which is not properly bound or becomes mutilated. You will note that it directs that the book be transcribed and does not authorize the sending of a public record out of the office in which it is required to be kept to a printer for the purpose of being rebound.

A public record should be kept in the custody of the appropriate officer, and delivering it to some one else for

the purpose of being rebound, would seem to me to be an unwise policy.

This, however, is a matter peculiarly within the power, authority and discretion of the Board of County Commissioners of the county and they are not required to act upon the advice of this office, and this expression from me should not be regarded as an official opinion.

Yours very truly,

T. F. WEST,

Attorney General.

CONVICTION IN CITY COURT NOT A BAR TO CON-
VICTION IN JUSTICE COURT FOR SAME
OFFENCE.

Tallahassee, Fla., April 16, 1913.

My Dear Sir:—

Yours of 15th inst., has been received and noted. The trial and conviction of a person in a city court upon a charge of carrying concealed weapons, is not a bar to a further prosecution and conviction of such person in a Justice's of the Peace court or other county court having jurisdiction of the matter.

Yours very truly,

T. F. WEST,

Attorney General.

NEWSPAPERS IN WHICH DELINQUENT TAX LIST
MAY BE PUBLISHED

Tallahassee, Fla., May 14, 1913.

Dear Sir:—

Since writing you this morning, Hon. J. B. Hodges, of your city, has called to see me in reference to the subject-matter of that letter, and has requested that I write you further in reference to it.

By referring to Section 50 of Chapter 5596 of the Acts of 1907, you will find the provision regarding the publication of the delinquent tax list, as follows:

"Sec. 50. If the taxes upon any real estate shall not be paid before the first day of April of any year, the Tax Collector shall advertise and sell in the manner following: He shall make out a statement of all such real estate, specifying the amount due on each parcel, together with the cost of advertising and expense of sale, in the same order in which the land was assessed, and such list shall be published once each week for five consecutive weeks in some newspaper published in the county, if there be a newspaper, said newspaper *to be selected by the Board of County Commissioners at their first regular meeting in February of each year*, and the newspaper so selected shall have been continuously published in the county for a period of not less than one year prior to its selection."

This will definitely answer your inquiry.

Yours very truly,

T. F. WEST,

Attorney General.

FINES PLACED TO CREDIT OF FINE AND FORFEITURE FUND AND NOT SCHOOL FUND.

Tallahassee, Fla., May 17, 1913.

My Dear Sir:—

Yours of 16th inst. has been received and noted. At the General Election held in 1894 Section 9 of Article XVI of the Constitution of Florida was amended so as to read as follows:

“Section 9 of Article XVI is hereby amended so as to read as follows:

Section 9. In all criminal cases prosecuted in the name of the State, when the defendant is insolvent or discharged, the legal costs and expenses, including the fees of officers, shall be paid by the counties where the crime is committed, under such regulations as shall be prescribed by law; and all fines and forfeitures collected under the penal laws of the State shall be paid into the county treasuries of the respective counties as a general county fund to be applied to such legal costs and expenses.”

Afterwards the Supreme Court of the State, in the case of the Board of Public Instruction of Polk County versus the Board of County Commissioners of Polk County, 58 Florida Reports 391, held that:

“The provision of Section 9 of Article XII of the Constitution that ‘the net proceeds of all fines collected under the penal laws of the State within the county’ shall be a part of the county school fund to ‘be disbursed by the county board of public instruction solely for the maintenance and support of public free schools,’ is repealed by the amendment to Section 9 of Article XVI of the Constitution adopted in 1894 requiring the counties to pay the legal costs and expenses of criminal prosecutions, and providing that ‘all fines and forfeitures collected under

the penal laws of the State shall be paid into the county treasuries of the respective counties as a general county fund to be applied to such costs and expenses.' ”

This will answer your inquiry.

Yours very truly,

T. F. WEST,

Attorney General.

AUTHORITY OF COUNTY COMMISSIONERS TO
MAKE CHANGES IN VALUATIONS PLACED BY
ASSESSOR—EFFECT TOTALS.

Tallahassee, Fla., June 6, 1913.

Dear Sir:—

Yours of 5th inst. has been received.

I note your inquiry: if the Board of County Commissioners at the meeting held to equalize the assessment, has power to make changes in valuations of property, so as to effect the total valuation or “footings” as fixed by the assessor. You state the question as follows:

“Does not the law provide that they can raise or lower any particular piece or pieces, but ont change my footings?”

I think under the persent statutes the County Commissioners have power, in equalizing the assessment of the real and personal property in their respective counties, to raise or lower the value fixed by the County Assessor on any particular piece of real estate or item or items of personal property, and in so doing may change the total valuations or footings made by the Tax Assessor. The

County Commissioners are prohibited, however, from lowering the assessment of personal property given in by the owner, or assessed by the Assessor which shall not have been specified under oath.

The statutes covering the subject are Section 24 of Chapter 5596 and Section 2 of Chapter 5605 of the Acts of 1907.

You will understand, of course, that this is not an official opinion, as this office is not authorized to officially advise county officers.

Yours very truly,

T. F. WEST,

Attorney General.

WHO TO CANVASS SPECIAL TAX SCHOOL DISTRICT ELECTIONS.

Tallahassee, Fla., June 10, 1913.

Dear Sir:—

Yours of 9th inst. has been received and noted.

Replying to same, I would say that the Board of Public Instruction should canvass the returns of a special tax school district election, and is not authorized to go behind such returns, unless a proper protest is filed.

Yours very truly,

T. F. WEST,

Attorney General.

AUTHORITY OF COUNTY COMMISSIONERS TO
CHANGE MILLAGE RECOMMENDED BY
COUNTY BOARD OF PUBLIC INSTRUCTION.

Tallahassee, Fla., June 20, 1913.

My Dear Sir:—

Yours of 19th inst. has been received.

I note your request that I advise whether the Board of County Commissioners can refuse to levy the millage suggested and recommended by the School Board.

This question was settled by the case of *Tomasello et al.* versus the Board of Public Instruction for Santa Rosa County, reported in 55th Florida Reports, page 341, holding that:

"The existing statutes do not authorize the County Commissioners to revise the decision of the County Board of Public Instruction as to the millage required for the maintenance of the necessary county schools of the county, when the millage is within the constitutional limits and the estimates include no illegal items."

Yours very truly,

T. F. WEST,

Attorney General.

HOLDING THE OFFICES OF DEPUTY SHERIFF
AND DEPUTY FISH AND GAME WARDEN AT
THE SAME TIME.

Tallahassee, Fla., September 27, 1913.

My Dear Sir:—

I am in receipt of your letter of the 10th inst., inquiring

whether or not you can lawfully hold the position of Deputy Sheriff of Escambia county and, at the same time, hold the position of Deputy Game and Fish Warden of such county.

Section 15 of Article XVI of the Constitution provides, as follows:

"No person shall hold or perform the functions of more than one office, under the government of this State, at the same time; Provided, Notaries Public, militia officers, county school officers and commissioners of deeds may be elected or appointed to fill any legislative, executive, or judicial office."

You will also note that Section 18 of Chapter 6535 of the Acts of 1913, provides that:

"All sheriffs, deputy sheriffs, marshals, constables and policemen or other peace officers of this State are ex-officio deputy game and fish wardens."

The two offices require the performance of like duties and all deputy sheriffs are, by this statute, made ex-officio deputy game and fish wardens. The Legislature evidently did not regard the two positions as incompatible and, inasmuch as deputy game and fish wardens are, in a sense, police officers and are authorized by statute to serve criminal process and make arrests in certain cases, it would appear to me that you may hold the two positions at the same time.

You will understand, of course, that this is not an official opinion, as this office is not authorized to officially advise in such cases.

Yours very truly,

T. F. WEST,

Attorney General.

NO PER DIEM ALLOWED SHERIFFS IN ATTENDING COUNTY JUDGE'S COURT.

Tallahassee, Fla., December 17, 1913.

Dear Judge:—

Yours of the 15th inst. has been received. I note your first inquiry, as follows:

"Has a Sheriff the right under the law to charge a fee of \$2.00 for attendance per day in trials had in the County Judge's Court."

Replying to this inquiry would say that I know of no statute allowing this fee or authorizing the charge to be made by the Sheriff.

Your second inquiry is stated as follows:

"Where a Sheriff arrests and takes into his custody, say five prisoners, all at the same place, the arrests being made at the same time, has he the right to charge the full mileage for each of the prisoners, the same as he does when he only has one prisoner? The Sheriff is allowed to charge mileage at the rate of ten cents per mile going for the prisoner, ten cents per mile coming back with the prisoner, and ten cents per mile for the prisoner, which would make a total charge allowed the Sheriff of thirty cents per mile one way. Now has he the right to make this charge for more prisoners than one when arrests are made as stated above?"

Replying to this inquiry will say that in my opinion the Sheriff should not charge mileage for himself for each prisoner arrested, where he arrests at the same time and place more than one prisoner, but is allowed mileage for making the trip, without regard to the number of prisoners that he may arrest. In addition to this he would, of

course, be allowed mileage for conveying each prisoner to the jail, or place of return of the warrant.

Yours very truly,

T. F. WEST,
Attorney General.

DISCLOSURE OF POLITICAL PARTY AFFILIATION
AS A PREREQUISITE TO REGISTRATION FOR
PRIMARY ELECTION.

Tallahassee, Fla., December 19, 1913.

My Dear Sir:—

Yours of the 18th inst. has been received. I note your inquiry, as follows:

“Please advise me as Supervisor of Registration of Leon County, if I, or any of the district registration officers appointed by myself shall refuse to register an elector, if he refuses to disclose to such registration officer, his political party affiliation; as required under Section 14 of the laws of 1913, governing general and primary elections?”

In reply, I will say that in my opinion, if a person applying for registration refuses to give the information provided for in Section 14 of Chapter 6469, An Act Providing for and Regulating Primary Elections in this State, that you, as Supervisor of Registration, or any deputy or district registration officer, will be warranted in refusing to register such person in the official registration books for primary elections in the county.

You will understand that this is not an official opinion from this office, as the Attorney General is not authorized

to officially advise county officials, but I shall be glad to assist county officials at any time in regard to any of the duties pertaining to their offices when I am able to do so.

Yours very truly,

T. F. WEST,

Attorney General.

PRODUCTION OF CERTIFICATE OF NATURALIZATION AS PREREQUISITE TO REGISTERING.

Tallahassee, Fla., December 26, 1913.

My Dear Sir:—

Yours of the 22nd inst. has been received and noted.

By referring to Section 170 of the General Statutes, you will find the following:

“Naturalized citizens of the United States at the time of and before registration shall produce to the registration officer their *certificates of naturalization*, or duly certified copies thereof, and *shall make oath* that they are the identical persons named in such certificates, before they shall be allowed to register.”

It appears from this statute that before a person of foreign birth shall be allowed to register, he shall produce to the registration officer his *certificate of naturalization*, or duly certified copy thereof.

Of course it necessarily follows that if he cannot produce his certificate of naturalization he is not allowed to register and is therefore not qualified to vote.

It will be noted that Section 170 of the General Statutes referred to was originally Section 1 of Chapter 4328, Acts

of 1895. Prior to the passage of this Chapter persons of foreign birth who had declared their intention to become citizens of the United States were allowed to register, and after doing so were entitled to vote, provided, of course, they were otherwise qualified under the law.

Yours very truly,

T. F. WEST,

Attorney General.

CITIZEN'S ROAD DUTY IN BONDED ROAD
DISTRICTS.

Tallahassee, Fla., Jan. 1, 1914.

My Dear Sir:—

Yours of the 23rd ult. has been received.

I note your request for an opinion as to whether or not residents of the special bonded road district referred to, who are subject to road duty in the county, are exempt from such duty because of their residence in such road district.

The district is created, as I understand, under Chapter 6208, Acts of 1911, and there is no provision in this statute exempting residents of the district therein authorized to be created from road service generally in the county.

It is provided in Section 16 of this Chapter that such districts shall be entitled to receive for the repair and maintenance of the roads within the district its due proportion of the county taxes levied and collected for general road purposes, and it would seem that inasmuch as

the district is to receive a portion of the general road tax collected that the residents of the district might well be required to perform their proportion of the general road work in the county.

By referring to Section 9 of Chapter 6315, An Act Providing for Building and Maintaining Public Roads and Bridges in Walton County, you will find who are exempt from road duty under the provisions of this statute, and it will be noted that there is no provision exempting persons living in road districts such as that referred to in your letter.

There does not appear anything in either of the statutes mentioned, or any other statute that I have examined, requiring that an overseer shall be a person subject to road duty under the law.

You will understand, of course, that this is not an official opinion from this office, as I am not authorized to officially advise county officers, but of course I shall be glad at any time to assist them in any way that I am able.

Yours very truly,

T. F. WEST,

Attorney General.

MORE THAN ONE LICENSE TAX OF SAME KIND
IMPOSED ON SAME BUSINESS.

Tallahassee, Fla., January 5, 1914.

My Dear Sir:—

Yours of the 30th ult. has been received and noted.

I think it unlikely that the Legislature intended to

repeal Chapter 6212, Acts of 1911, by Chapter 6421, the General License Act of 1913, and that you may very well take the position that both Acts are enforceable.

In the cases of Afro-American Industrial and Benefit Association of the United States of America vs. State, 61 Fla. 85, and Peninsular Industrial Insurance Company vs. State, 61 Fla. 376, the Supreme Court held, in effect, that the Legislature had the power to impose more than one license tax upon the same business or occupation. The rule of construction in such cases is expressed in the case of Curry vs. Lehman *et al.*, 55 Fla. 855, as follows:

"The legal presumption is that the Legislature did not intend to keep really contradictory enactments in the statute books, or to effect so important a measure as the repeal of a law without expressing an intention to do so. An interpretation leading to such a result should not be adopted unless it be inevitable. The rule of construction in such cases is that if courts can by any fair, strict or liberal construction find for the two provisions a reasonable field of operation, without destroying their evident intent and meaning, preserving the force of both, and construing them together in harmony with the whole course of legislation upon the subject, it is their duty to do so."

I think it very likely that the courts will hold all the statutes mentioned in your letter enforceable.

Yours very truly,

T. F. WEST,

Secretary of State.

LOCAL LAWS—NOTICE PUBLISHED IN COUNTY
AFFECTED.

Tallahassee, Fla., January 5, 1914.

My Dear Sir:—

Yours of the 3rd inst. has been received.

I note your inquiry relative to the validity of Chapter 6568, Laws of 1913, and your suggestion that it may not be valid because no notice was given in the county before the statute was passed.

It is required by Section 21 of Article III of the Constitution of this State, that no local or special laws shall be passed, unless notice of the intention to apply therefor shall have been published, etc., and this is followed up by Sections 67 and 68 of the General Statutes of the State of Florida, on the same subject.

It has been decided, however, that it is exclusively a legislative function and duty to ascertain and decide whether the notice required has been given, and the passage of a special or local Act *is a legislative judgment* that proper notice has been duly published, and that the legal evidence thereof was *established* in the Legislature before the bill was passed, and the courts are concluded by such judgment. You will find the language in the case of *Stockton vs. Powell et al.*, 29 Fla. 1.

It follows, therefore, that the courts will not investigate the question of whether the notice was given or not, but assumes, as shown by the decision to which I have referred, that the Legislature was satisfied that the notice was given before the Act was passed. You can read this case in the County Judge's office of your own county and get full information on the subject.

Yours very truly,

T. F. WEST,

Attorney General.

REGISTRATION FOR PRIMARIES DISTINCT FROM
REGISTRATION FOR GENERAL ELECTION.

Tallahassee, Fla., Jan. 14, 1914.

My Dear Sir:—

Yours of the 12th inst. has been received and noted.

My judgment is that Chapter 6469 provides for the registration of electors for primary elections only. The statute is entitled "An Act to Provide for and Regulate Primary Elections."

This registration for primary elections in separate and distinct from the registration of electors for general elections. Persons applying for registration under the primary law must give to the registration officer information concerning themselves not required to be given when they apply for registration under the general election law, and such information is entered upon the registration books.

The statutes providing for the registration of electors for general elections remain in full force; the times for opening and closing the registration books for general elections are not changed, and the registration books for general elections are different in form from the registration books for primary elections.

We have, therefore, two systems of registration of electors in this State, one for primary elections, the other for general elections.

A person might be registered in the registration books for primary elections but not registered in the registration books for general elections and, therefore, not entitled to vote in such elections. Such persons would not, in my opinion, be a qualified elector within the true intent and meaning of the statutes providing for elections

to create Special Tax School Districts in this State, and, this being true, it would follow that reference should be had to the registration books for general elections in order to ascertain who are qualified electors in contemplation of the statutes providing for such elections.

This is written after a hurried consideration of the matter, for the reason that you request an immediate reply.

Yours very truly,

T. F. WEST,

Attorney General.

PAYMENT OF POLL TAX AS A PREREQUISITE TO
REGISTERING FOR PRIMARIES.

Tallahassee, Fla., Jan. 14, 1914.

My Dear Sir:—

Yours of the 9th inst. received. I note your statement that the Supervisor of Registration of your county refuses to register persons applying for registration where subject to poll taxes unless such persons make oath that they have paid their poll taxes for the years 1912 and 1913, and your request for an expression from me on the subject.

Replying to your request, I will say that I have not been able to find anything in the primary election law of 1913 requiring that persons applying for registration should first show that they have paid all poll taxes then due, or authorizing the Registration Officer to refuse to register such persons unless a showing of this kind is made.

Yours very truly,

T. F. WEST,

Attorney General.

COMMISSION ALLOWED TAX ASSESSORS AND
COLLECTORS ON DRAINAGE TAXES.

Tallahassee, Fla., Jan. 16, 1914.

My Dear Sir:—

Yours of the 14th inst. has been received and noted.

The commissions to be paid tax assessors and collectors for collecting the drainage taxes in the Everglades Drainage District is fixed by Chapter 6456, Acts of 1913, the statute creating this District, but since this district is wholly within three or four counties reference was not made in the Fee Bill to the commissions allowed assessors and collectors in this matter for assessing and collecting the drainage taxes. Your commission for collecting these taxes is governed by the statute above mentioned, and not by Chapter 5596, Acts of 1907.

Yours very truly,

T. F. WEST,
Attorney General.

COMPLAINT BY AFFIDAVIT AS A PREREQUISITE
TO ARREST.

Tallahassee, Fla., Jan. 30, 1914.

My Dear Sir:—

Yours of the 29th inst. has been received.

In my opinion a Justice of the Peace would not be authorized to issue a warrant except upon complaint made before him in the form of an affidavit. A person charged with crime should be able to see what the charge

is in order that he might defend against it. This being true, it would follow that the charge should be made in the form of a complaint as the statute requires.

The situation which you refer to is a very unfortunate one, but I would not advise that you have persons arrested unless the charge is made against them in the manner in which I have indicated.

Yours very truly,

T. F. WEST,
Attorney General.

VOTER TO REGISTER FOR PRIMARY ELECTIONS
IN BOTH "GENERAL COUNTY REGISTER" AND
"PRECINCT REGISTER."

Tallahassee, Fla., February 7, 1914.

My Dear Sir:—

Your letter of January 20th, 1914, duly received, asking information as follows:

"1st. Does the voter have to register in both the Precinct Book and the Office Book?"

"2nd. Which one of the books is sent out on the day of the election to be voted on?"

Answering your first question, will advise that both books should be sent out to the deputy, and that Section 14 of the Primary Law requires the elector to first register in the "General County Register," and at the same time and as soon as the deputy transcribes the data given above into the "Precinct Register," the voter signs again as required by Section 15 in the "Precinct Register." He therefore registers in duplicate, the only difference in the books being in the binding.

Answering the second question, will advise that the "Precinct Register"—the one bound in tag board—must be sent out to precincts on primary election days.

I note in another part of your letter that you are under the impression that every man who registers in the "Precinct Register" has to sign his name again before the Supervisor. In this you are mistaken as the voter has to register in both books at the same time, and this can be done while the books are in the hands of the deputy at the precinct, or after both books are returned to the Supervisor and re-opened by him between March 15th and April 15th at the County seat.

Each of the books bound in leather back and canvass sides becomes one volume of the "General County Register" to be kept in the office after it is once returned from the precinct.

Yours very truly,

T. F. WEST,

Attorney General.

EFFECT OF ELECTION WHERE ONE OF MANAGERS NOT QUALIFIED VOTER.

Tallahassee, Fla., Feb. 20, 1914.

My Dear Sir:—

Yours of the 18th inst. has been received. I note your statement that at an election held for the purpose of selecting school trustees of a special tax school district, one of the inspectors, who is a Canadian, has never been naturalized and is, therefore, not a citizen of the United States, and your inquiry as to whether or not such election so held is legal.

Replying to same I will say that if the other inspectors and clerk were qualified and there was no misconduct on the part of the inspectors and the election was fairly held, it would, in my judgment, be a legal election. In other words, the fact that one inspector was not a qualified elector would not, alone, vitiate the proceeding.

You will understand, of course, that this is not an official expression from this office, as I am not authorized officially to advise in reference to such matters, but that it represents simply my personal views in reference to the matter.

Very truly yours,

T. F. WEST,

Attorney General.

REGISTRATION OF ALL CITIZENS FOR PRIMARY
IS AUTHORIZED WITHOUT REGARD TO RACE
OR PARTY AFFILIATION.

Tallahassee, Fla., Feb. 21, 1914.

My Dear Sir:—

Yours of the 18th inst. received and noted.

The primary law of 1913 provides for the registration of members of all parties, without regard to color, each person applying for registration being required to give a full description of himself, including his party affiliation.

Yours very truly,

T. F. WEST,

Attorney General.

ONLY ONE BOND ELECTION FOR SPECIAL ROAD
AND BRIDGE DISTRICT WITHIN A YEAR.

Tallahassee, Fla., Feb. 25, 1914.

My Dear Sir:—

Yours of the 23rd inst. has been received and noted.

By reference to Section 4 of Chapter 6208, the statute authorizing the bonding of special road and bridge districts, you will note that if the result of an election in such proposed district shall be adverse to the proposition that

“No other election for the same purpose shall be held within one year thereafter.”

I would say, therefore, that if the territory embraced in the proposed district about which you write is identical with that embraced in the district in which an election was held less than a year ago, that the election would not be a valid one, and the obligations authorized by it could not be enforced against it.

You will understand, of course, that this is not an official opinion, as the Attorney General is not authorized to officially advise in a case of this kind.

Yours very truly,

T. F. WEST,
Attorney General.

SHERIFF'S FEES ON MONEY PAID TO COUNTY
FOR CONVICT HIRE.

Tallahassee, Fla., Feb. 26, 1914.

My Dear Sir:—

Yours of the 25th inst. has been received and noted.

I assume that you refer to the item on page 8 of the Fee Bill, as follows:

"On moneys collected for the State as fees, fines, costs, or other moneys adjudged to the State, five per cent."

By reference to Section 1683 of the General Statutes you will see the authority for this item. This Section has been a part of the law since 1879. In my opinion it does not apply to moneys paid by lessees to the county for county prisoners, unless there is some other statute on the subject. If you know of any other statute I will be glad to have you call my attention to it.

Yours very truly,

T. F. WEST,

Attorney General.

COUNTY COMMISSIONERS NOMINATED FROM
DISTRICTS BY THE COUNTY AT LARGE.

Tallahassee, Fla., March 3, 1914.

My Dear Sir:—

Yours of the 21st ult. has been received.

I note your inquiry if members of the Board of County Commissioners are to be nominated, under the new primary law, by districts in the counties or by the counties at large.

Replying I will say that the statute requires County Commissioners to be nominated *from* the districts, but by the counties at large, that is to say, a member of the Board of County Commissioners should be nominated and elected from, and reside in the district which he rep-

resents, but he is nominated and elected by the voters of the county at large.

I reach this conclusion in this way:

Under the primary law of 1901, Chapter 5014, the manner of nominating County Commissioners was not specifically provided for, except that by Section 12 of the Act, now Section 270 of the General Statutes, it is declared that

"Except as herein provided, all elections at primary elections under this article shall be regulated by the election law of the State in force at the time such primary election is held, as nearly as the same can be done."

Under this statute County Commissioners were nominated, as they were elected, from the districts, but by the electors of the counties at large.

In 1907, by Chapter 5697, the Legislature amended the statute quoted by adding thereto the following:

"Provided, however, that County Commissioners and members of the Board of Public Instruction shall be nominated by the several districts of a county instead of by the county at large."

This was the authority for changing the system of nominating the members of the Board of County Commissioners and members of the Board of Public Instruction of the county, and since that time nominations for these offices have been by districts, and not by the counties at large. It will be noted that the Section quoted, as amended, is a part of the old primary election law.

The new primary law, Chapter 6469, Acts of 1913, is a revision of the law on this subject, and takes the place of the old primary law.

Section 63 of the new primary law is in the following language:

"The primary elections required by this Act, except as

herein otherwise provided, shall be held in accordance with the provisions of Article I of Title IV, First Division, of the General Statutes of Florida."

The manner of nominating County Commissioners is not specifically provided for by this statute. Section 270, General Statutes, above quoted, providing that members of the Board of County Commissioners shall be nominated by districts instead of by the counties at large, is no longer in force, because the new statute on the subject of primary elections is a general revision of the law on the subject, and necessarily operates as a repeal of the old law.

Section 63 of the new primary law is the same in substance as Section 12 of the old primary law, now Section 270 of the General Statutes, before it was amended in 1907 by having added thereto the proviso requiring the nomination of members of the Board of County Commissioners and members of the Board of Public Instruction by districts, and it, therefore, follows that such officers are to be nominated in the same manner as they are elected in the general election.

The general election law on this subject is section 172 of the General Statutes, and requires that members of the Board of County Commissioners shall be elected one from each County Commissioner's district from the counties at large. This is also required by Section 5 of Article VIII of the Constitution of the State.

I conclude, therefore, as I have stated above, that they must be nominated from the counties at large.

Yours very truly,

T. F. WEST,

Attorney General.

SEPARATE REGISTRATION BOOKS REQUIRED
FOR PRIMARY AND GENERAL ELECTION.

Tallahassee, Fla., March 5, 1914.

My Dear Sir:—

Yours of the 3rd inst. has been received and noted.

The registration for the primary election is a separate and independent registration from that required for registration for general elections, and a separate set of books are required to be kept for the two systems of registration required by law.

A person who has registered in the registration books for the general election is not permitted to vote under the present primary law unless he registers in the books provided for registration for primary elections. All electors, whether they have heretofore been registered or not, should register in the books now open for registration in order to be qualified to participate in the primary elections to be held in June.

Yours very truly,

T. F. WEST,

Attorney General.

PERSONAL PRESENCE AND ACTS REQUIRED OF
VOTERS VOTING IN PRIMARIES.

Tallahassee, Fla., March 10, 1914.

My Dear Sir:—

Yours of the 9th inst. has been received and noted.

The primary law requires that persons applying for

registration should personally appear before the registration officer and give the information required and take the oath required by statute. In addition to this, each person registering is required to write his own name in a space provided for that purpose in the registration books.

With kind personal regards, I am

Yours very truly,

T. F. WEST,

Attorney General.

CONSTITUTIONALITY OF GENERAL ROAD
LAW OF 1913.

Tallahassee, Fla., March 10, 1914.

My Dear Sir:—

Yours of the 8th inst. has been received and noted.

I know of no reason why the general road law of 1913 is not constitutional, and I would suggest that the proper course to pursue would be to assume that it is constitutional until some court of competent jurisdiction has declared otherwise.

Yours very truly,

T. F. WEST,

Attorney General.

SHERIFF'S CHARGES FOR CONSTRUCTIVE MILEAGE.

Tallahassee, Fla., March 11, 1914.

My Dear Sir:—

Yours of the 25th ult. has been received.

I note your two inquiries, as follows:

1. "In event a warrant is issued by the County Judge for a party living, say ten miles from the Court House, but the warrant is served, within an hour after being issued, on the defendant in court house square, is the officer serving such warrant entitled to mileage to and from court house and for conveyance of prisoner from prisoner's home to court house?"

2. "Again, a warrant is issued, and the defendant comes in and voluntarily surrenders to the sheriff, without the sheriff's having made any effort to apprehend such defendant, is the sheriff entitled to same pay as if he had gone to defendant's residence or elsewhere, arrested defendant and brought him into court?"

Answer to these questions is Sections 1684, 4065 and 4066 of the General Statutes, reading as follows, respectively:

"1684. (1256). Constructive mileage not to be charged. No sheriff, constable or coroner shall charge constructive mileage. The mileage charged for must be actually travelled by the nearest and most direct route by the public highway."

"4065: (2990). Sheriff's mileage.—Every sheriff in presenting a bill for mileage against the State or county, shall certify that no constructive mileage is charged therein."

"4066. (2991). Duty of Board of County Commissioners.—The Board of County Commissioners, before approv-

ing any bill against the State or county, shall ascertain that no constructive mileage, or charge for anything but actual miles necessarily travelled by the nearest route, or actual and necessary service, or actual and necessary expenses which may be chargeable against the State or county, is contained therein."

It will be seen from the statutes quoted that mileage should not be paid in such cases as those recited by you.

Yours very truly,

T. F. WEST,

Attorney General.

SALARY OF COUNTY SUPERINTENDENT PAID
FROM COUNTY SCHOOL FUND.

Tallahassee, Fla., March 14, 1914.

Gentlemen:—

Yours of the 13th inst. has been received and noted.

I think that the salary of the County Superintendent should be paid from the school fund of the respective counties.

My authority for this is Section 15, Article XII of the Constitution of the State.

Yours very truly,

T. F. WEST,

Attorney General.

RELATIVE RIGHTS OF TRUSTEES OF SPECIAL
TAX SCHOOL DISTRICT AND COUNTY BOARD
OF PUBLIC INSTRUCTION.

Tallahassee, Fla., March 24, 1914.

My Dear Sir:—

Yours of the 23rd inst. has been received and noted.

The matter which you present, as I understand it, raises the question of the relative rights of the Trustees of Special Tax School Districts and the Board of Public Instruction in reference to school matters in the Special Tax School District.

The Supreme Court of the State briefly discussed this question in the case of Trustees vs. Lewis, 63 Fla. 691, and I suggest that you read this case in connection with the situation which you are considering.

If you do not find a satisfactory answer in the opinion written by the Court, and will write me, I will be glad to assist you further if I can do so.

Yours very truly,

T. F. WEST,

Attorney General.

COMMITTEE ASSESSMENT AND FILING FEE OF
CANDIDATES FOR PRIMARY ELECTIONS.

Tallahassee, Fla., March 28, 1914.

Dear Mr. Blackburn:—

Replying further to your inquiry of the 20th inst., I would say the situation seems to me to be about like this:

Section 20 of the primary law reads as follows:

"The executive committee of each political party affected by the provisions of this Act are hereby authorized for the purposes of meeting their legitimate expenses and maintaining their party organization, to levy assessments upon such candidates of their respective parties as are required by Section 24 to pay filing fees; but no executive committee shall levy assessments upon any candidate exceeding two (2) per cent. of the annual salary or compensation of the office sought by him."

It will be noted that this section provides for an *assessment* upon candidates which is for the express purpose of meeting the expenses of the executive committee and in maintaining the party organization, and that the assessment shall not exceed two per cent.

Section 24 of this Act is in the following language:

"Each candidate for nomination for any office herein provided for shall be required to pay a filing fee at the time of filing the sworn statement provided for in Section 22. The amount of said filing fee shall be three per cent. of the annual salary or compensation of the office sought by the candidate; Provided, That no filing fee shall be required of any candidate for any office to the holder of which no salary or compensation is required to be paid."

This section provides for a filing fee to be paid by each candidate, the amount of same being fixed at three per cent. of the annual salary or compensation of the office sought by the candidate. The amount of this filing fee is fixed definitely by the law, and the executive committee has no power to change it. This amount under the provision of Section 26 of the Act is paid to the Clerk of the Circuit Court if the candidate seeks nomination for an office to be voted for wholly within a single county.

I would say with regard to the amount of this filing fee

the committee has no option. It is fixed by the statute at three per cent. of the annual salary or compensation of the office sought by the candidate.

As to the other question of the amount of compensation to those acting as inspectors of the primary election, it will be seen by reference to Section 8 of the primary law that the expenses of primary elections are to be paid in the same manner as the expenses of general elections; and in Section 63 of the Act is provided that the primary election required by the Act except as therein otherwise provided, shall be held in accordance with the provisions of the general election law.

The compensation of inspectors and clerks in general elections is prescribed by Section 206 of the General Statutes, and is fixed at \$2.00 per day and five cents per mile each way while performing such service.

I have answered a great number of letters regarding the primary law, and am very glad to assist the committees in any way I can to properly interpret the law and conduct the primary election under it; but you will understand, of course, that this communication should not be regarded as an official opinion, as this office has no authority to officially advise executive committeemen, and that what is said in this letter represents simply my personal views on the subject.

Yours very truly,

T. F. WEST,

Attorney General.

REGISTRATION FOR PRIMARY THROUGH POWER
OF ATTORNEY OR OTHER PARTY.

Tallahassee, Fla., March 30, 1914.

My Dear Sir:—

Yours of the 28th inst. was received today.

I note your inquiry, as follows:

“There are quite a few persons here who failed to register. They would like to vote but cannot spare the time to go out to Crawfordville to register now. Is there any way in which they can participate in the election without having to go out to Crawfordville and register in person. Could they not give the facts and the power of attorney to some friend to register for them.”

By reference to Section 14 of the Primary Law you will see that it is necessary for each person applying for registration to *personally appear* before the registration officer, etc.

By Section 9 it is provided that the registration books for each election district shall be open from the first Monday in January to the first Monday in March. By Section 10 it is provided that the registration books shall be open from March 15th to April 15th at the office of the Supervisor of Registration, and that except during the periods mentioned the registration books for primary elections shall be closed.

I would say, therefore, that the only course now open to a person who desires to register under this law is to personally appear at the office of the Supervisor of Registration prior to the 15th day of next month for that purpose.

Yours very truly,

T. F. WEST,
Attorney General.

OPTIONAL WITH CANDIDATES TO TAKE SPACE
IN CANDIDATE'S PUBLICATION, UNDER PRI-
MARY LAW.

Tallahassee, Fla., April 1, 1914.

My Dear Sir:—

Yours of the 31st ultimo has been received.

I note your inquiry, as follows:

"That I, as well as all other candidates in this county, do not exactly understand Sections 29 and 30 of the Primary Law, I am writing you for an opinion on same as to whether it is mandatory or optional with candidates to pay for a page of advertising space in said publication named in Section 30."

My judgment is that the statute mentioned is not mandatory, and that a candidate may or may not, at his option, use space in the publication mentioned.

With kind personal regards, I am,

Yours very truly,

T. F. WEST,

Attorney General.

VOTER MAY REGISTER FOR PRIMARY IN BOTH
REGISTERS AT PRECINCT OR AT OFFICE OF
SUPERVISOR OF REGISTRATION.

Tallahassee, Fla., April 3, 1914.

Dear Mr. Burghard:—

Yours of the 30th ultimo has been received and noted.

Under Section 9 of the primary law the registration books for the election districts are to be open in the election district from the first Monday of January to the first Monday of March; and under Section 10, the books are open at the office of the Supervisor of Registration from March 15th to April 15th, the last paragraph of Section 10 providing that at all other times the registration books for primary elections shall be closed.

Under Section 12 a "General County Register" and a "Precinct Register for..... Precinct, County" are provided for each election district, and each of these "Registers" should be in the district during the time that the books are open, so that Section 15 of the Act may be complied with, the effect of which is to make duplicate registrations for each precinct.

I understand that in a number of counties this was not done but that only one book was sent to each precinct.

It is clear that under the last clause of Section 10 the precinct books cannot be sent out again, but if the persons registered will apply at the office of the Supervisor of Registration the duplicate can be made there as required by law before the books finally close on the 15th inst.

Yours very truly,

T. F. WEST,

Attorney General.

SUPERVISOR OF REGISTRATION TO FURNISH
THE NUMBERS, BUT NOT NAMES, OF REGIS-
TERED VOTERS TO SECRETARY OF STATE.

Tallahassee, Fla., April 8, 1914.

Dear Mr. Hamilton:—

Yours of the 6th inst. has been received.

I have been out of the office for a few days, hence the delay in this reply.

Your first question, as I understand it, is answered by Section 17 of the primary law, reading as follows:

“It shall be the duty of the Supervisor of Registration of each County, immediately upon the closing of the registration books as herein provided, and not later than the thirtieth day before the primary election, to furnish the Secretary of State, by telegraph if necessary, a statement containing the total number of registered electors of each political party according to his registration books.”

It will be noted that you are required by this statute to furnish to the Secretary of State the “total number of registered electors of each political party.”

If this is the point about which you inquire I will reply by saying that it is not necessary to furnish the names, but only the number of electors of each party as shown by the registration books of the county.

The next inquiry is whether or not the registration for the general election is separate from the registration for primary elections.

Replying to this I will say that the primary law provides for a registration for primary elections only, and is separate and independent from the registration for

general elections. It follows, of course, that the registration for general elections should be made as heretofore.

Yours very truly,

T. F. WEST,

Attorney General.

SELECTION AND APPOINTMENT OF CLERKS AND INSPECTORS FOR PRIMARY ELECTIONS.

Tallahassee, Fla., April 10, 1914.

My Dear Sir:—

Yours of the 6th inst. has been received and noted.

The primary law does not expressly confer authority or impose the duty of selecting inspectors and clerks for primary elections upon any committee or board, but since the primary is not, under the present statute, a Democratic primary, but is a primary in which several parties will participate, the Legislature could hardly have intended to authorize or empower a committee of one party to select the inspectors and clerks in the election to be held in pursuance of the statute; and, therefore, I would say that the statute should be construed as requiring that the inspectors and clerks be selected by the Board of County Commissioners of the respective counties.

I have written a great many letters in reply to inquiries regarding this primary law, and sometimes I wonder if the people of the State will get the opinion that I am doing so with a view of enforcing any peculiar views that I might hold regarding the statute upon the committees and others who look after its enforcement. I hope that no one will take this view of the matter. Practically all

of the letters that I have written are unofficial but in reply to inquiries from interested parties. My only object is, as you will understand, to assist in any way that I may be able in the interpretation and proper application of the statute.

With kind personal regards, I am

Yours very truly,

T. F. WEST,

Attorney General.

FIRST AND SECOND CHOICE VOTING NOT
MANDATORY.

Tallahassee, Fla., April 10, 1914.

My Dear Sir:—

Yours of the 8th inst. has been received and noted.

I have found nothing in the primary election law requiring that a person participating in the primary shall vote both his first and second choice, and I would say that it appears that he may vote his first choice and not vote his second choice, and that the ballot will be counted.

The statute, however, provides that if a first and second choice vote is cast by a voter for the same candidate that only the first choice will be counted.

Yours very truly,

T. F. WEST,

Attorney General.

FIXING ASSESSMENT AND FILING FEE OF CANDIDATES FOR LEGISLATURE.

Tallahassee, Fla., April 10, 1914.

My Dear Mr. Cash :—

Yours of the 8th inst. has been received and noted.

Under the old primary statute candidates were assessed to defray the expenses of primary elections, but the question which you submit has not, so far as I know, been passed upon by any court having authority to decide it. And the precise question probably could not have been passed upon under the old statute as the amount of the assessment was not fixed by law.

The pay of the members of the Legislature is fixed by the Constitution at not exceeding \$6.00 per day for each day of the session. This is the maximum amount that may be paid, and the Legislature itself may fix the amount at any amount less than this if it wishes to do so.

The length of a regular session is indefinite, but must not exceed sixty days; and the length of a special session, which may be convened at any time by the Governor, is indefinite but must not exceed twenty days. The regular session may run for less than sixty days, and in that case the compensation would be one amount, or it may run for the full sixty days and one or more extra sessions of not exceeding twenty days may be held annually, and in that case the compensation would be an entirely different and larger amount.

If the compensation provided for can be regarded as an "annual salary," the amount is indefinite, and it is very difficult to lay down a rule for the committees to follow in fixing the assessment upon candidates for the Legislature. The difficulty of making assessments re-

garding this office on an annual salary basis is apparent, and it would seem to me that the committees would be permitted to use considerable discretion in making assessments upon candidates for this position.

This office has no authority to officially pass upon and settle the question, and your remedy if you desire to test the matter would probably be to tender the amount which you regard as proper, and mandamus the committee to accept it as a compliance with the statute.

With kind personal regards, I am,

Yours very truly,

T. F. WEST,

Attorney General.

SHERIFF'S COMMISSION ON MONEY RECEIVED
FOR HIRE OF COUNTY CONVICTS.

Tallahassee, Fla., April 10, 1914.

My Dear Sir:—

Yours of the 6th inst. has been received.

I note that your county has leased the prisoners of the county to the Dowling Park Naval Stores Company; that the contract provides that the amount agreed to be paid by the lessee per capita for said convicts shall be paid to the Clerk of the Board of County Commissioners, but that in fact it is paid to the sheriff, who deducts five per cent. commission from the amounts collected before turning such collections into the Treasurer.

I do not know of a statute which authorizes the sheriff to retain this commission under the circumstances outlined in your letter.

Yours very truly,

T. F. WEST,

Attorney General.

COUNTY ENUMERATOR SHOULD NOT BE COUNTY
TAX ASSESSOR.

Tallahassee, Fla., April 10, 1914.

My Dear Sir:—

Your inquiry of the 1st inst. is as follows:

"At the next meeting of the County Board the Commissioners will appoint a County Enumerator, and it is quite probable that Mr. G. M. B. Harris, the present Tax Assessor, will be their choice for that position."

You inquire if the Tax Assessor of the County may hold the position of Tax Assessor and County Enumerator at the same time.

Under Section 15 of Article XVI of the Constitution, it is provided that:

"No person holding or exercising the functions of any office under any foreign government, under the government of the United States, or under any other State, shall hold any office of honor or profit under the government of this State; and *no person shall hold, or perform the functions of, more than one office under the government of this State at the same time.*"

The position of Tax Assessor is unquestionably an office, and while there may be some doubt as to whether or not the position of County Enumerator is an office, you will see by reference to Section 2 of Chapter 5609 that it is referred to as an office in a paragraph of the section in the following language:

"Each county enumerator shall before entering upon his duties, subscribe to an oath before the County Judge, that he will, to the best of his ability, perform well and faithfully the *duties of the office of county enumerator*; the original oath to be filed with the clerk of the Board of

County Commissioners, and the duplicate copy shall be filed with the Commissioner of Agriculture."

I would say, therefore, that the safe course to pursue is for the board to appoint some one else, as the Tax Assessor would hardly like to give up the office of Tax Assessor for that of County enumerator, and it might be that his appointment as County Enumerator would have this effect.

You will understand of course that this should not be regarded as an official opinion, as this office is not authorized officially to advise Boards of County Commissioners, but of course I shall be glad to assist them at any time in any way that I can.

Yours very truly,

T. F. WEST,

Attorney General.

COUNTY COMMISSIONER REQUIRED TO RESIDE IN HIS DISTRICT.

Tallahassee, Fla., April 10, 1914.

My Dear Sir:—

Yours of the 8th inst. has been received.

Under Section 298 of the General Statutes it is provided that every office shall be deemed vacant in all cases where the officer ceases to be an inhabitant of the State, *district*, county, town or city for which he shall have been elected or appointed.

This statute requires a County Commissioner to reside in the district which he represents, but that does not necessarily mean that he must at all times reside in the district if in fact his permanent residence is in the district. A County Commissioner may temporarily reside out of his district, and this would not vacate the office if

he intends to return to the district and his home in the district is in fact his permanent home, and his absence from it is of a temporary character.

Whether or not his office is vacated by a County Commissioner is largely a question of fact, and each case must depend upon its own peculiar facts.

You are necessarily acquainted with the facts of your own case and know what your intentions are and can, with the foregoing suggestions, settle the question of your rights in the premises.

Yours very truly,

T. F. WEST,

Attorney General.

PRIMARY LAW REQUIRES VOTER TO REGISTER
IN BOTH "PRECINCT REGISTER" AND "GENERAL COUNTY REGISTER."

Tallahassee, Fla., April 16, 1914.

My Dear Sir:—

Your letter of April 14th has been duly received, in which you ask certain questions in regard to the primary law, as follows:

"Does Section 12 require that there be two registration books for each precinct, one book to be called the general county register, and one book to be called the precinct register?"

Replying to the above will say that I think the law requires two registration books for each precinct, and that both of them should be sent to the precinct.

Your second question is as follows:

"Does the law make it necessary for a voter in order to be legally registered to be registered in both the general county register and the precinct register, and must his actual signature, together with the other necessary information about the voter, appear in each book?"

Replying to this last question, will advise that this is the construction that has been placed upon Section 14; in other words, the law requires that the voter shall sign his name personally in both books, one immediately after the other.

Of course you will understand that this should not be regarded as an official opinion of this office, as you will understand that this office has no authority to officially pass upon and settle matters of this kind.

Yours very truly,

T. F. WEST,

Attorney General.

COUNTY CONVICTS NOT RELEASED UPON PAY-
MENT TO LEASEE THE PROPORTION LEAS-
ER'S PRICE FOR TIME NOT SERVED.

Tallahassee, Fla., April 22, 1914.

My Dear Sir:—

Yours of the 21st. inst. has been received.

I note your inquiry, as follows:

"A party having been convicted of crime and sentenced to county jail at hard labor, and having served a portion of sentence, escaped from convict camp. Since his escape the Board of County Commissioners has leased all County

convicts. Through the escaped convict's father he wishes to return and pay to the county for the remainder of his sentence in proportion to the price received per month for other convicts. The lessee is willing that such an arrangement can be had. Have we as the Board of County Commissioners the right and power to accept the contract price for this convict from another and turn over commitment to him?"

My opinion is that there is no law permitting a prisoner's discharge upon his paying the amount which would be paid for his services by the lessee of prisoners, and your Board would have no authority to discharge the prisoner in such case.

Yours very truly,

T. F. WEST,

Attorney General.

PAYMENT OF POLL TAX NOT A PREREQUISITE
TO REGISTERING.

Tallahassee, Fla., May 1, 1914.

My Dear Sir:—

Your letter has been received and noted.

My judgment is that the time when a person registers has nothing to do with the question of whether or not he is due a poll tax. If he has been in the State a sufficient length of time that the poll tax is properly assessable against him, it should be paid without regard to the time when he registers.

Yours very truly,

T. F. WEST,

Attorney General.

CORRECTING ERROR IN REGISTRATION BEFORE
BOOKS CLOSE.

Tallahassee, Fla., May 1, 1914.

My Dear Sir:—

Yours of the 30th ult has been received and noted.

I think that if a person's party affiliation is by error stated Republican or Socialist, as you state in your letter, when in fact he desires that it be stated as Democratic, that such person should have the right to have the error corrected, but in order to do so he should make application to do so before the books close.

I think it very doubtful if you have the authority to make the correction after the books have been closed.

Yours very truly,

T. F. WEST,
Attorney General.

VOTER REQUIRED TO VOTE IN PERSON.

Tallahassee, Fla., May 7, 1914.

My Dear Sir:—

Yours of the 4th inst. has been received and noted.

There is no statute in this State authorizing a person to vote in any way except by being personally present at the place where the election is held and casting his ballot in person.

There has been some talk in the State of passing a statute providing that persons who are required to be away from the voting place on election day may prepare

their ballots and mail them in; but no such statute has been passed in this State.

Yours very truly,

T. F. WEST,
Attorney General.

WHAT IS CONSIDERED A CANDIDATE'S ANNOUNCEMENT?

Tallahassee, Fla., May 11, 1914.

Dear Mr. Burnett:—

Yours of the 8th inst. has been received and noted.

The situation seems to me to be about like this:

Section 13 of Chapter 6470, commonly called the "Corrupt Practices Act," defines who shall be regarded as candidates in contemplation of this statute, and declares that any person who has announced to any person or to the public that he is a candidate for a certain office shall be held to be a candidate.

Section 19 of this statute requires county candidates for nomination in the primary election to file in the office of the Clerk of the Circuit Court of the county not more than thirty day, nor less than twenty-five days, prior to the primary a detailed itemized statement of his campaign expenses; and Section 20 of this statute provides that any candidate who fails to make and file the statement required by Section 19, in the form *and at the time specified* shall not have the right to have his name placed upon the ballot to be used in the primary election.

It would appear clear, therefore, that if a person has announced his candidacy prior to the time that this state

ment is required to be filed, that the filing of the statement is imperative, and that a failure to file the statement prevents his name being placed on the ballot.

Under Section 26 of Chapter 6469, the primary election law, candidates for nomination for office to be voted for wholly within a single county are required to file their sworn statements and receipts for committee assessments, if any has been levied, with and pay their filing fees required by this statute to the Clerk of the Circuit Court not less than twenty days previous to the day of the primary election.

It may be, and probably is, true that if one has not become a candidate at the time that his statement under Section 19 of the Corrupt Practices Act is required to be filed and does become a candidate twenty days previous to the day of the primary election so that he may qualify under Section 26 of the primary election law, that he would not be required to file the first statement required by the Section first mentioned in this paragraph.

Yours very truly,

T. F. WEST,

Attorney General.

**ELECTOR REQUIRED TO VOTE THE TICKET OF
HIS POLITICAL PARTY IN PRIMARY ELECTION.**

Tallahassee, Fla., May 26, 1914.

My Dear Sir:—

Yours of the 25th inst. has been received.

The primary election to be held on June 2nd next is not a Democratic primary election, but a general primary

election in which all parties are expected to participate, and a member of any party in the State may vote for the candidates of his party in the primary. It follows, therefore, that a person who did not register as a Democrat may vote in the primary, but such person must vote the ticket of his party and for his party candidates, and not for the Democratic candidates.

Regarding the canvassing of the vote, I am sending you under separate cover a compilation of the election laws, including Chapter 6469, the primary election law, together with forms, instructions, etc., which will be much more helpful than an ordinary letter.

If a candidate fails to file his expense account as required by Section 19 of Chapter 6470, the Corrupt Practices Act, there is no way that I know of by which his name may be placed on the ticket. In fact, Section 20 of this Chapter expressly provides that his name shall not be placed on the ticket. This Chapter will also be found in the compilation which I am sending you.

Regarding the question whether or not a voter is required to vote for both a first and second choice, I would say that the primary law contemplates but does not require that a voter vote for both a first and second choice and the ballot should be counted although a second choice is not voted for.

Yours very truly,

T. F. WEST,

Attorney General.

MEMBER OF ANY POLITICAL PARTY MAY SERVE
AS INSPECTOR AT GENERAL PRIMARY
ELECTION.

Tallahassee, Fla., June 4, 1914.

My Dear Sir:—

Yours of the 2nd inst. has been received and noted.

The primary election as authorized by the present statute on the subject is a general primary, that is to say, all parties in the State are expected to participate in it, each voter, of course, voting for the candidate of his party.

None except the Democrats participated in the primary held on the 2nd inst., but as the primary is now a general primary under the law, in my opinion the fact that a manager who served in one of the precincts is a Republican would not affect the election in that precinct and will be no ground for throwing out the vote of the precinct.

Under separate cover I am handing you compilation of the election laws for your information. Chapter 6469 at page 45 is the law under which this primary was held.

Yours very truly,

T. F. WEST,

Attorney General.

REGISTRATION FOR PRIMARY ELECTION DOES
NOT CONTROL CITY PRIMARY REGISTRATION
OR ELECTIONS.

Tallahassee, Fla., June 8, 1914.

My Dear Sir:—

Yours of the 4th inst. has been received.

The Primary Law, Chapter 6469, Acts of 1913, does not, in my opinion, require a re-registration of all the voters in cities and towns of this State before they are qualified to vote in municipal primaries or elections held in such cities or towns.

Yours very truly,

T. F. WEST,
Attorney General,

NO AUTHORITY TO TRANSCRIBE NAMES OF EL-
ECTORS FROM PRIMARY REGISTRATION
BOOKS TO BOOK USED FOR GENERAL ELEC-
TIONS.

Tallahassee, Fla., June 9, 1914.

My Dear Sir:—

Yours of the 8th inst. has been received and noted.

The registration under the primary election law is a separate and independent registration from the registration for general elections in this state.

It would seem, therefore, that there is no authority for

transcribing the names of electors from the registration books for primary elections to the registration books for general elections.

In the re-arrangement of your registration books for general elections to conform to the re-arrangement of county precincts, I would think that you would be warranted in transcribing the names from your old registration books for general elections into the new registration books for general elections, having in mind, of course, the residences of the electors in order that their names may appear in the registration books for the precinct in which they now reside.

This office is not authorized to officially advise in this matter and, therefore, what is contained herein cannot be regarded as an official expression from this office.

With kind personal regards, I am,

Yours very truly,

T. F. WEST,

Attorney General.

HOLDING OFFICE OF COUNTY COMMISSIONER
AND CITY TAX COLLECTOR.

Tallahassee, Fla., June 15, 1914.

My Dear Sir:—

Yours of the 11th inst. has been received and noted.

I think that a man may legally hold the two positions of County Commissioner of a county in this State and

Tax Collector of a municipality in this State at the same time.

If this office can be of any further service to you at any time, it will be very cheerfully rendered.

Yours very truly,

T. F. WEST,

Attorney General.

EXECUTIVE COMMITTEE ASSESSMENT NOT COM-
PULSORY—CANDIDATE'S FILING FEE FIXED
BY LAW.

Tallahassee, Fla., June 13, 1914.

Dear Mr. Porter:—

Yours of the 11th inst. has been received and noted.

Under Section 20 of the primary election law, executive committees may make assessments upon candidates for office in the primary of not exceeding two per cent. of the annual salary or compensation of the office sought by the candidate. This assessment is for the purpose of maintaining the party organization and meeting the legitimate expenses of the committees. It may or may not be made, and if it is not expended may be returned by the committee.

The filing fee is three per cent. of the annual salary or compensation of the office sought by the candidate, as you will see by reference to Section 24 of the primary election law. This is fixed at this amount by law and cannot be changed. By Section 26 of this law you will note that this filing fee is to be paid to the Clerk of the Circuit Court

who shall receive the same in his capacity as Clerk of the Board of County Commissioners. My understanding is that all amounts received under this provision of the statute should be paid into the county treasury, and while the Board of County Commissioners has the power to return to any candidate the amount paid in by him by making a warrant for that purpose, I think that this was not contemplated by the law, and that the intention was that when the money is paid in it becomes a part of the public fund of the county. The reason for this is that the county pays a portion of the expenses of the primary from the public fund.

If this office can be of any further service to you at any time, it will be very cheerfully rendered.

Yours very truly,

T. F. WEST,

Attorney General.

CONTINUING DUTY OF INSPECTORS OF ELECTIONS TO MAKE PROPER RETURNS.

Tallahassee, Fla., June 18, 1914.

My Dear Sir:—

Yours of the 17th inst. has been received and noted.

Under Section 46 of the Primary Election Law the Canvassing Board is required to make the canvass solely, exclusively and entirely from the returns and certificates of the inspectors and, therefore, they would not be authorized to make any corrections of any errors that might be found to exist.

The Supreme Court has decided in the case of Schneider

et al. vs. Lang, 66 Florida 492, 63 Southern Reporter 913, that a continuing duty rests upon the inspectors and clerks of election to make proper returns of results, and a similar continuing duty rests upon the county canvassing boards to canvass the results made by the inspectors, and that such duty may be enforced by mandamus. This was said in reference to a special tax school district election, but the same rule would probably apply in any election. It occurs to me that if a dissatisfied candidate desires to go into the matter, that he would be authorized to bring mandamus to require the inspectors to re-assemble and re-canvass the ballots.

The only trouble is that the section of the primary law referred to requires that the county canvassing board convene on the sixth day after the primary election, if the returns shall have been received, for the purpose of canvassing such returns. This, however, I assume would be held to be directory only.

With kind personal regards, I am,

Yours very truly,

T. F. WEST,

Attorney General.

EFFECT OF FAILURE OF CANDIDATE TO FILE
STATEMENT OF CAMPAIGN EXPENSES.

Tallahassee, Fla., June 24, 1914.

My Dear Sir:—

Yours of the 19th inst. has been received.

I note your inquiry, as follows:

“Please advise me whether or not a name may be put

on the ballot in the general election under the following circumstances: In School District No. 1 of this county two candidates announced themselves for member of the School Board for this district and failed to file their first statement as required by law, and their names were not placed on the ballot in the primary of June the 2nd. Now one of these men seeks to have his name placed on the ballot in accordance with Section 212 of the General Statutes."

Replying to same, I would say that Section 20 of Chapter 6470 provides as follows:

"That any candidate who fails to make and file the statements required by Section 19 of this Act, in the form and at the time specified, shall not have the right to have his name placed upon the ballot to be used in the primary election, and those intrusted with the preparation of such primary ballots shall, upon the certificate of the officer with whom said statements are required to be filed, that a candidate has failed to file such statement or statements, omit his name therefrom. The name of no candidate failing to file such statements as required by said section shall be allowed or printed on the official ballot used in the General and County Election, and no committee, officer or board authorized to issue commissions, certificates of elections and certificates of nomination, shall issue any such commission or certificate to any candidate who fails to comply with the provisions of said Section 19 of this Act. Any officer, and the members of any Board or Committee violating the provisions of this Section shall, upon conviction, be fined not exceeding Five Hundred Dollars, or be imprisoned not exceeding six months."

It would appear, therefore, that the name of a person who was a candidate in the primary election held on the 2nd instant, but who failed to file his statement as required by Section 19 of the Act above mentioned, could

not be placed upon the ballot for general elections; but a person who was not a candidate in the primary probably should have his name placed upon the ticket as a candidate in the general election by complying with Section 212 of the General Statutes of 1906.

If this office can be of any further service to you at any time, it will be very cheerfully rendered.

Yours very truly,

T. F. WEST,

Attorney General.

SALARY OF COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTIONS.

Tallahassee, Fla., July 2, 1914.

My Dear Sir:—

Yours of the 30th ultimo has been received.

I note your inquiry, as follows:

"The receipts for school purposes in this county (Polk) amounts to over \$120,000.00 for the fiscal year ending July 1, 1914, and as there is some difference in opinion as to the salary of the Superintendent as quoted in Section 1, Chapter 5658, School Laws of Florida, approved June 3rd, 1907, I take this means to ask you to kindly advise me what my salary should be as fixed in this Act, that is, the entire time from July 1st, 1913, to July 1st, 1914."

It appears that receipts for school purposes annually in Polk County is over \$120,000.00.

Under Chapter 5658, Acts of 1907, it is provided that in counties where the receipts for school purposes an-

nually are more than \$120,000.00, and less than \$200,000.00, the salary of the County Superintendent shall be not less than \$200.00 per month. I would say, therefore, that your salary as County Superintendent of Polk County, under the circumstances, should be not less than \$200.00 per month, the exact amount to be fixed by the Board of Public Instruction under Section 347 of the General Statutes.

You will understand, of course, that this is not an official opinion of this office, as the Attorney General is not authorized to officially advise County officers; but if this office can be of any further service to you at any time, it will be cheerfully rendered.

Yours very truly,

T. F. WEST,

Attorney General.

VACANCY IN OFFICE OF CITY ALDERMAN BY
REMOVAL FROM HIS WARD.

Tallahassee, Fla., July 7, 1914.

Dear Mr. Floyd:—

Your letter has been received and noted.

I would say, under the quoted section of your charter, that when an alderman changes his residence from the ward for which he was elected as alderman to another ward, that the office becomes vacant. Of course, if such alderman is only temporarily out of the ward, and intends to return and retain his residence in the ward from which he was elected, a vacancy would probably not occur. In

order to determine the question it will, therefore, be necessary to ascertain the facts in each case.

I suppose that the charter provides for filling vacancies.

With kind personal regards, I am,

Yours very truly,

T. F. WEST,

Attorney General.

PAYMENT OF COSTS IN JUSTICE OF THE PEACE
COURT WHERE PRISONER DISCHARGED.

Tallahassee, Fla., July 10, 1914.

My Dear Sir:—

Yours of the 8th inst. has been received and noted.

Section 4070 of the General Statutes does not prohibit the County Commissioners paying Justice of the Peace costs where he, as a committing magistrate, upon a hearing discharges a person because of the insufficiency of evidence to bind him over.

In cases where the prisoner is bound over, the County Commissioners are not permitted to pay the costs where an information is not filed nor an indictment found against such person; and in view of this statute cost bills in such cases are usually not paid until after the County Solicitor or Grand Jury has investigated the case.

Boards of County Commissioners have considerable power and discretion in matters of paying cost bills and should, of course, investigate the question of whether or not security for costs should be given or an insolvent affidavit made in a given case, and may refuse payment for want of proper showing of this kind. The Board may

also refuse payment if in their judgment the case is frivolous. You, of course, are familiar with the statutes on this subject.

If this office can be of any further assistance to you at any time, it will be very cheerfully rendered.

Yours very truly,

T. F. WEST,

Attorney General.

MAINTENANCE OF PRISONER WHILE IN CUSTODY AS PART OF THE "COSTS" OF PROSECUTION.

Tallahassee, Fla., July 14, 1914.

My Dear Sir:—

The question which you submitted to me in your letter of the 27th ultimo is more interesting and difficult than would appear upon a casual consideration of the matter.

It involves the determination of whether or not the expenses of the maintenance of prisoners while in custody is a part of the "costs" of prosecution of the cases made against such prisoners.

I have not been able to find a case directly in point in this State. There are a number of cases in other States holding that the expenses of the maintenance of prisoners is not costs as the word is ordinarily understood, and other cases holding to the contrary, depending upon the statute on the subject.

The expenses of feeding prisoners while in custody, providing bedding for them, medical attention and fuel when

necessary, are all closely related questions and depend largely for solution upon the statutes on the subject.

In the case of *Holland vs. State*, 23 Fla. 123, at pp. 137-8, our Supreme Court said:

"The expense of subsisting a person after he is sentenced to imprisonment is not a part of the costs. The 'costs' for which he may be put at labor are in any case those 'imposed upon conviction, those legally adjudged against him by the sentence, and none others; those for which he is held under the warrant of conviction.'"

And under Chapter 6176, Acts of 1911, it is provided in Section 1 that

"Every person who may be imprisoned in the county jail for failure to pay a fine and costs, or either, under sentence imposed upon conviction for crime shall be entitled to receive, *together with subsistence*, a credit on such fine and costs, or either, as the case may be, in proportion to such time such person may be imprisoned."

There is a strong implication here that the Legislature understood, and meant to say, that the expense of subsistence after conviction of a prisoner was not a part of the "costs" of prosecution chargeable to such person, and if the costs of subsistence after conviction is not chargeable to him, it would hardly be proper to hold the expense of subsistence prior to conviction a part of the costs of the prosecution.

My hurried investigation of the matter has led me to the conclusion that it is doubtful if the expenses of subsistence while in custody is a proper charge to be made as costs of prosecution against a person convicted of crime in this State.

It might be helpful to you to find what the custom is in such cases in the Circuit Courts of your Circuit.

You will understand, of course, that this is not an offi-

cial opinion, as this office is not authorized to officially advise County Judges, but of course I shall be glad to assist in any way that I can in such matters at any time.

Yours very truly,

T. F. WEST,

Attorney General.

CONSTITUTIONALITY OF GENERAL ROAD LAW,
SECTION 10 OF CHAP. 6537 ACTS 1913.

Tallahassee, Fla., July 17, 1914.

My Dear Sir:—

Yours of the 9th inst. has been received.

I note your inquiry regarding the constitutional validity of Section 10 of Chapter 6537, Acts of 1913, Laws of Florida.

We had a question very much like this before the Supreme Court a short time ago, and I think the opinion filed in that case will answer your question.

The case is *Mashburn v. State*, 65 Fla. 470, 62 Southern Reporter 585.

If this office can be of any further assistance to you at any time, it will be very cheerfully rendered.

Yours very truly,

T. F. WEST,

Attorney General.

PER DIEM OF SHERIFF WHILE ATTENDING
COUNTY JUDGE'S COURT—HORSE HIRE.

Tallahassee, Fla., July 18, 1914.

My Dear Sir:—

Yours of the 6th inst. has been received and noted.

Replying to the same I will say that I know of no statute authorizing the payment of a per diem to sheriffs for attending trials in County Judges and Justice of the Peace Courts.

Regarding the question of the payment of horse hire to sheriffs I am enclosing you copy of letter which I prepared in reply to a similar inquiry some time ago, which explains my views on the subject.

Very truly yours,

T. F. WEST,
Attorney General.

COMMITTEE ASSESSMENT AND LEGAL FILING
FEE OF CANDIDATES—DISPOSITION AND
PURPOSE.

Tallahassee, Fla., July 20, 1914.

My Dear Sir:—

Yours of the 17th inst. has been received and noted.

Under Section 20 of Chapter 6469, the primary election law, the Executive Committees of the different political parties are authorized to levy an *assessment* upon candidates of their parties in amounts not exceeding two per

cent of the annual salary or compensation of the office sought by the candidate. This assessment is for the purpose of meeting the legitimate expenses and maintaining the party organization. It is paid to the Executive Committee and used by this Committee for the purposes just indicated. If the full amount collected is not expended the excess may be returned to the candidates. I am informed that after the primary election was held the committees returned a portion of the assessment to the candidates upon whom the assessments were made.

Under Section 24 of the same statute a *filing fee* is provided for. It is provided that this filing fee shall be three per cent of the annual salary or compensation of the office sought by the candidate; and by Section 26 of the same statute it is provided that each candidate for nomination for an office to be voted for wholly within a single county shall pay his filing fee to the Clerk of the Circuit Court, who shall receive the the same in his capacity as Clerk of the Board of County Commissioners. This amount is paid into the county treasury. As to the filing fee the law fixes definitely what the amount shall be, and inasmuch as it is paid into the county treasury I assume that the Legislature did not intend that any part of it should be returned to the candidates.

I am enclosing you under separate cover a copy of the statute referred to so that you may refer to the provisions of the law mentioned in this letter.

If this office can be of any further service to you at any time, it will be very cheerfully rendered.

Yours very truly,

T. F. WEST,

Attorney General.

COUNTY COMMISSIONERS ELECTED FROM THE
COUNTY AT LARGE.

Tallahassee, Fla., July 24, 1914.

Dear Mr. Ward:—

Yours of the 21st inst. has been received and noted.

Under Section 172 of the General Statutes of 1906 County Commissioners are elected from the several counties at large, that is to say, the voters of the county at large participate in the election of each County Commissioner for the county.

Yours very truly,

T. F. WEST,

Attorney General.

RESPECT OF LAW AUTHORIZING REWARD OF
FIFTY DOLLARS TO PERSON FURNISHING
EVIDENCE TO CONVICT ILLEGAL SALE OF
LIQUORS.

Tallahassee, Fla., July 24, 1914.

My Dear Sir:—

Yours of this date has been received and noted.

By reference to Section 2 of Chapter 6179 you will see that it amends Section 2 of Chapter 5690 (not 5960, as stated in your letter), by changing the language of the section-entirely. In changing the section the portion providing for the payment of the sum of \$50.00 to the per-

son furnishing the testimony upon which a conviction is secured is omitted. The effect of this is to repeal that portion of the Act, so that the statute as it now stands does not permit the payment of this or any other amount to the person furnishing the testimony in such cases.

If this office can be of any further assistance to you at any time it will be very cheerfully rendered.

Yours very truly,

T. F. WEST,

Attorney General.

LICENSE TO CARRY FIRE ARMS DOES NOT
AUTHORIZE TO CARRY CONCEALED.

Tallahassee, Fla., July 27, 1914.

My Dear Sir:—

Yours of the 25th inst. has been received and noted.

A license granted by the Board of County Commissioners to a person permitting him to carry a pistol does not, in my opinion, authorize him to carry such pistol concealed, and such person violates the law against carrying concealed weapons if the pistol is carried concealed, notwithstanding the permit.

Very truly yours,

T. F. WEST,

Attorney General.

EXEMPTION OF SHERIFFS FROM PAYMENT OF
AUTOMOBILE LICENSE.

Tallahassee, Fla., July 31, 1914.

My Dear Sir:—

Yours of the 29th inst. has been received.

I note your inquiry, as follows:

"I wish to know whether or not to call on the sheriff for automobile license, as it seems to me that the sheriff's office naturally necessitates one."

There is nothing in the statutes exempting sheriffs from the payment of automobile license.

Yours very truly,

T. F. WEST,
Attorney General.

SELECTING TEACHERS FOR SPECIAL TAX
SCHOOL DISTRICT.

Tallahassee, Fla., August 1, 1914.

My Dear Sir:—

Yours of the 29th inst. has been received and noted.

In the case of Trustees of Special Tax School District vs. Lewis, 63, Fla. 691, the Supreme Court held that "the statutory authority of the trustees of the Special Tax School District with reference to schools in the district is not of control but of supervision only."

This holding is in accord with Section 408 of the General Statutes providing that

"All public schools conducted within a special tax school district shall be under the direction and control of the County Board of Public Instruction and County Superintendent as in other districts, and subject to the same laws, rules and regulations prescribed for the conduct of other schools, except that the Trustees shall have the power to nominate to the County Board of Public Instruction teachers for all schools within such special district: Provided, That no person be nominated for teacher who does not hold a teacher's certificate unimpaired by suspension, revocation or limitation, or that will not remain in full force for the term of school, and obtained in compliance with the laws of this State. *The County Board of Public Instruction shall have the right to reject any teacher nominated, and in case the second nomination of a teacher for any position be not ratified, the said board shall then proceed, on its own motion, to fill vacancies in the teaching force in any school in the special tax school district.*"

It would appear, therefore, that the County Board of Public Instruction has the authority to finally pass upon the question of the selection of teachers for public schools within Special Tax School Districts in this State.

Yours very truly,

T. F. WEST,

Attorney General.

AUTHORITY OF BOARD OF PUBLIC INSTRUCTION
OVER CONSTRUCTION OF SCHOOL BUILD-
INGS IN TAX DISTRICT.

Tallahassee, Fla., Aug. 3, 1914.

My Dear Sir:—

Yours of the 1st inst. has been received and noted.

Under Section 11 of Chapter 6542, Acts of 1913, Laws of Florida, authorizing Special Tax School Districts to issue bonds, it is provided that

"the proceeds derived from the sale of said bonds shall be expended by the said County Board of Public Instruction for the purpose or purposes for which said bonds were authorized by said Special Tax School District."

And in the case of Trustees of Special Tax School District vs. Lewis, 63 Fla. 691, the Supreme Court of this State said:

"the statutory authority of the trustees of the Special Tax School Districts with reference to schools in the district is not of control, but of supervision only, and does not include a right in the trustees to make the lease of the school property of the county involved in this controversy."

Since the statute provides that the proceeds derived from the sale of bonds shall be expended by the Board of Public Instruction, and the Supreme Court has held that the authority of trustees of Special Tax School Districts is of supervision only, is not of control and does not include a right in the trustees to lease the school property of the district, it would seem that the County Board of Public Instruction is the Board with which you should deal regarding the construction of buildings, etc., for Special Tax School Districts.

You will understand, of vourse, that this should not be regarded as an official opinion, as I would not be authorized to officially advise in a case of this kind. What I say represents simply my personal views upon the subject after a hurried examination of the law which appears to be applicable.

Yours very truly,

T. F. WEST,

Attorney General.

PETITION FOR, AND NOTICE OF, ELECTION
SHOULD BE PUBLISHED AT LEAST 28 DAYS
IN CREATING SPECIAL TAX SCHOOL DIS-
TRICT.

Tallahassee, Fla., August 7, 1914.

My Dear Sir:—

Yours of the 6th inst. has been received and noted.

The law requires that both the petition for a special tax school district and the notice of election shall be published. The proper procedure, in my judgment, would be to publish the petition for four weeks before calling the election, and upon calling the election to publish the notice of such election for four successive weeks before the date fixed for the election. In each of the publications, the date of the first publication should be not less than twenty-eight days from the date of the consideration of the petition by the board or the date of the election as fixed by the board when called. It is important, also, that you make a record on the minutes of the board of the petition, the action ordering its publication, the proof of publication, the order calling the election, notice of election, proof of publication of notice, and all other action taken by the board in connection with the matter. I make this suggestion for the reason that in some cases heretofore the record of the establishment of districts have been so meager as to cause trouble when the question of bonding the district later arises.

There is no form of ticket prescribed, but since a great number of elections under this statute have been held, if you will write to other counties you can no doubt get forms from which you can select one to suit the board.

I am returning the petition sent me.

Yours very truly,

T. F. WEST,

Attorney General.

RIGHT OF WAY FOR PUBLIC ROADS.

Tallahassee, Fla., Aug. 15, 1914.

My Dear Sir:—

Yours of the 9th inst. has been received and noted.

The law requires that "all new roads laid out and established shall be run as near as may be upon Section lines and sub-divisions thereof."

The law also authorizes Boards of County Commissioners to condemn property for rights of way for public roads. This being true, I think you would hardly be able to prevent the establishment of the proposed road on your land line because in so doing the timber upon which the line is marked will be removed.

Yourse very truly,

T. F. WEST,

Attorney General.

ELECTION TO SURRENDER CITY CHARTER.

Tallahassee, Fla., August 17, 1914.

My Dear Sir:—

Yours of the 15th inst. has been received.

I note your request, as follows:

"Would you kindly inform if, in an election held for the purpose of surrendering the franchise of a town or city the qualified voters must be property owners or no."

The statutes upon the subject of surrendering its franchise by a municipality is Sections 1102-04, General Statutes of 1906.

By reference to these Sections you will note that voters to be qualified in such elections are not required to be property owners, but if you have a special charter, it will be well to refer to it, and also to your city ordinances regarding the matter, before action is taken.

Yours very truly,

T. F. WEST,
Attorney General.

REGISTRATION BOOKS USED FOR PRIMARY ARE
SEPARATE AND INDEPENDENT FROM REG-
ISTRATION BOOKS USED FOR GENERAL
ELECTIONS.

Tallahassee, Fla., August 19, 1914.

My Dear Sir:—

Hon. R. H. Burford of Marianna has asked that I write and advise you as to whether or not the law requires you, as Supervisor of Registration of Jackson County, to keep the registration for primary elections separate from the registration for general elections.

My judgment is that Chapter 6469 provides for the registration of electors for primary elections only. The statute is entitled "An Act to Provide for and Regulate Primary Elections."

This registration for primary elections is separate and distinct from the registration of electors for general elections. Persons applying for registration under the primary election law must give to the registration officer information concerning themselves not required to be given when they apply for registration under the general elec-

tion law, and such information is entered upon the registration books as a part of the registration of such persons.

The statutes providing for the registration of electors for general elections remain in full force; there is no repealing clause in the primary election law, and there is, in my judgment, nothing which operates as a repeal of the statutes regulating registrations for general elections; the times for opening and closing the registration books for general elections are not changed, and the registration books for general elections are different in form from the registration books for primary elections.

We have, therefore, two separate and independent systems of registration of electors in this State, one for primary elections, the other for general elections.

It follows that you will be required to keep two sets of registration books, and the registration books for general elections should be kept just as if the primary election law had never been passed.

Yours very truly,

T. F. WEST,

Attorney General.

OFFICER'S FEES FOR HOLDING INQUESTS.

Tallahassee, Fla., August 26, 1914.

My Dear Sir:—

Yours of the 22nd inst. has been received and noted.

Officers' fees for holding inquests are payable by the counties, but the Board of County Commissioners have considerable discretion in the payment of these accounts. If the Board of County Commissioners of the county re-

fuse to pay the account and you desire to test the question, you could bring mandamus proceedings before the Judge of the Circuit Court and in this way have the question passed upon.

Yours very truly,

T. F. WEST,
Attorney General.

NUMBER OF DAYS REQUIRED FOR PUBLICATION
OF CHARTER OF CORPORATION.

Tallahassee, Fla., Aug. 27, 1914.

My Dear Sir:—

Yours of the 25th inst. has been received.

I note your inquiry, as follows:

“Will you please let me know the necessary number of publication for charters? There seems to be a difference of opinion among lawyers here, some saying four insertions being all necessary, while others contend that five must be made to comply with the law.”

The statute on the subject is Section 2649 of the General Statutes of 1906, reading as follows:

“The proposed charter, together with notice of the intention to apply to the Governor for letters patent thereon, shall be published for four successive weeks, once each week, in some newspaper published in the county where the place of business is to be located, which notice shall be signed with the names of at least three of the subscribers, and the said proposed charter shall be on file in the Secretary of State's office during the four weeks of publication.”

My view is that four insertions of the notice and copy of the proposed charter is sufficient, but there should be not less than twenty-seven days intervening between the first publication and the date of the issuance of letters patent.

Yours very truly,

T. F. WEST,

Attorney General.

FEEES ALLOWED SHERIFFS FOR RETURNING
PRISONERS FROM BEYOND STATE LINE.

Tallahassee, Fla., August 7, 1914.

Dear Mr. DeVane:—

Yours of the 6th inst. has been received and noted.

My judgment is that the compensation of sheriffs of the counties of this State who go beyond the limits of the State for prisoners, as prescribed by Chapter 5407, Acts of 1905, is five cents per mile for the actual distance travelled from the county seat to the point of destination and return, and in addition thereto the actual and necessary expenses paid out for and on account of returning the prisoner.

Yours very truly,

T. F. WEST,

Attorney General.

FEES OF SHERIFFS WHEN GOING FOR PRISONER
IN ANOTHER STATE WHO IS RELEASED
THERE ON HABEAS CORPUS.

Tallahassee, Fla., Aug. 31, 1914.

Dear Mr. DeVane:—

Yours of the 29th inst. has been received.

I note your inquiry, as follows:

“The sheriff of this county has presented a bill for mileage of one of his officers to Birmingham, Alabama, for going after a prisoner. The prisoner was not returned by the sheriff, having been released on habeas corpus proceedings in Alabama after the sheriff arrived for him. Should this sheriff be allowed any mileage in going after this prisoner?”

My view is that when a sheriff is required to go beyond the limits of the State for a prisoner and has requisition of the Governor of this State upon the Governor of the State in which the prisoner is found, for such prisoner, that the sheriff is entitled to mileage allowed under Chapter 5407, Laws of Florida, although he does not return the prisoner, in a case where the prisoner is discharged by the courts upon habeas corpus proceedings.

Yours very truly,

T. F. WEST,

Attorney General.

LIABILITY OF COUNTY FOR DEFENDANT'S WIT-
NESS FEES WHERE INSOLVENT AFFIDAVIT
NOT FILED.

Tallahassee, Fla., Sept. 3, 1914.

My Dear Sir:—

Yours of the 31st ultimo. has been received and noted.

My judgment is that you are not required to tax as costs against the county the per diem and mileage of defendant's witnesses in a criminal case in which the defendant has not filed an insolvency affidavit as required by law, but even if you should tax the per diem and mileage of such witnesses as costs in the case against the county, the Board of County Commissioners still have authority to pass on the matter, and the county is not required to pay such costs.

Yours very truly,

T. F. WEST,
Attorney General.

DATE ON WHICH REGISTRATION BOOKS FOR
GENERAL ELECTIONS CLOSE.

Tallahassee, Fla., Sept. 5, 1914.

My Dear Sir:—

Yours of the 3rd inst. has been received and noted.

My judgment is that the expression "from the first Monday in September until the second Saturday of the month preceding the day in each year in which there is

any general election," in Section 183 of the General Statutes, and the expression "shall have published within fourteen days after the second Saturday of the month preceding the day in which any general election is held," in Section 187 of the General Statutes, should be construed as if they read "the second Saturday in the month preceding the month in which any general election is held," and my information is that this language is generally so construed.

If this is correct, the day referred to this year will be the 10th day of October, the same being the second Saturday in the month preceding the month in which the general election is held.

You will understand of course that this is not official, as this office has no authority to pass officially upon the matter upon a request of this kind, but I think that this is the interpretation which is generally placed upon this language, and you will note that practically the same language is used in the primary election law.

Yours very truly,

T. F. WEST,
Attorney General.

SALE OF TAX CERTIFICATES ISSUED BY BOARD
OF EVERGLADES DRAINAGE DISTRICT.

Tallahassee, Fla., Oct. 10, 1914.

My Dear Sir:—

Yours of the 8th inst. has been received and noted.

Replying to the same will say that in my opinion you are not authorized, as Clerk of the Circuit Court of your

county, to sell tax certificates issued to the Board of Everglades Drainage District, under the provisions of Chapter 6456, Acts of 1913, the statute establishing the District. When tax certificates are issued to the Board under the provisions of Sections 15, 16 and 17 of this Act, such certificates should, in my opinion, be delivered to said Board.

Yours very truly,

T. F. WEST,

Attorney General.

WHO MAY SERVE PROCESS ISSUED BY JUSTICE
OF THE PEACE.

Tallahassee, Fla., Oct. 23, 1914.

My Dear Sir:—

Yours of the 22nd inst. has been received and noted.

Section 3902 of the General Statutes of 1906 reads as follows:

“The sheriff or any constable of the county shall be the executive officer of the courts of justices of the peace, but if the sheriff or constable shall for any reason be disqualified or unable to act, justices of the peace may appoint any individual, not interested in the case on trial, to serve process and to perform all duties of such executive officers.”

This statute seems to cover your situation.

Yours very truly,

T. F. WEST,

Attorney General.

WHO RESPONSIBLE FOR PLACING NAMES OF
CANDIDATES NOMINATED BY THE PRIMARY
ON BALLOT FOR GENERAL ELECTION.

Tallahassee, Fla., October 26, 1914.

My Dear Sir:—

Yours of the 23rd inst. has been received.

I note that the Board of County Commissioners of Escambia County has appointed you as a committee to get an expression from this office in reply to the following question:

“Will the Board of County Commissioners be liable under Section 20 of Chapter 6470, Acts of 1913, for the penalties provided under said Section if they place the name of A. M. McMillan on the ballot for position of Clerk Court Record?”

It appears from the copy of a resolution adopted on September 8th last, forwarded with your letter, that the Board called upon its attorney, Hon. John C. Avery, for an opinion as to whether or not the name of Mr. McMillan should be placed upon the official ballot to be prepared by the Board, a petition having been filed by Mr. McMillan for this purpose under the provisions of Section 212 of the General Statutes, in which resolution it is declared that the Board will act in accordance with the views expressed in such opinion. It appears further from copy of Judge Avery's letter forwarded to me that he, in compliance with the provisions of this resolution, advised the Board, in writing, on the following day, in substance, that Mr. McMillan's name should be placed upon the ballot if he complied with the provisions of the statute mentioned.

In this state of the case I would say that your Board will be warranted in following the advice of its attorney.

Yours very truly,

T. F. WEST,

Attorney General.

COUNTY SURVEYOR—LICENSE TAX AS
SURVEYOR.

Tallahassee, Fla., November 5, 1914.

My Dear Sir:—

Yours of the 2nd inst. has been received and noted.

In reply to your inquiry, I will say that if you do not do outside work, and confine your operations exclusively to the work of the office of County Surveyor of your county, you would not, I think, be required to pay an occupation tax.

Yours truly,

T. F. WEST,

Attorney General.

COSTS IN JUSTICE OF THE PEACE COURT WHEN
INDICTMENT NOT FOUND.

Tallahassee, Fla., Nov. 11, 1914.

My Dear Sir:—

Yours of the 9th inst. has been received and noted.

The statute on the subject is as follows:

"4070. County not to pay costs in cases where information is not filed or indictment found * * * Whenever a committing magistrate holds to bail or commits any person to answer to a criminal charge in a county court, a criminal court of record, or a circuit court, and an information is not filed nor an indictment found against such person, the costs of such committing trial

shall not be paid by the county, except the costs for executing the warrant.

I suppose that if the party bound over is indicted, then the county commissioners will pay your costs in the case, but you will note that the statute forbids the payment of the costs until the indictment is found.

If this office can be of any further service to you at any time, it will be cheerfully rendered.

Yours very truly,

T. F. WEST,

Attorney General,

LEGISLATIVE AUTHORITY TO CHANGE COUNTY
LINES OR ANNEX PORTION OF COUNTY.

Tallahassee, Fla., Nov. 11, 1914.

My Dear Sir:—

I note your inquiry, as follows:

“Is it possible under the Constitution of the State of Florida, by any Act of the Legislature or otherwise, for one county to annex any certain section of an adjoining county without consent of said adjoining county or consent of the people in said section to be annexed?”

The Legislature has full power in matters of this kind, and may change the boundaries of adjoining counties so that territory may be taken from one county and placed in another, without the consent of the county from which the territory is taken or consent of the people in said territory; but it is not likely, I assume, that the Legislature would do such thing if the people interested are opposed

to it. The custom is for the Legislature to do what the members coming from the counties interested desire in such cases.

If this office can be of any further service to you at any time, it will be cheerfully rendered.

Yours very truly,

T. F. WEST,
Attorney General.

FEES FOR SERVANT HIRE IN CONNECTION WITH SHERIFF'S OFFICE.

Tallahassee, Fla., Nov. 13, 1914.

My Dear Sir:—

Yours of the 4th inst. has been received and noted.

The section of the statute referred to prescribes the fees for services and compensation generally to be paid to sheriffs. The portion of the section relating to servant hire is as follows:

“Servants not more per day than 75 cents.”

My view is that the purpose of this statute was to fix the compensation of servants when employed, and it does not mean that a servant may be employed at all times, any more than the same statute means that guards may be employed at all times, or that horse hire may be paid at all times, without regard to the necessities of the case.

This office is not authorized to officially advise county officers and this cannot, therefore, be regarded as an official opinion, but only as an expression of my views upon the subject after a hurried examination of the question.

Yours very truly,

T. F. WEST,
Attorney General.

EXCLUDING CHILDREN FROM ATTENDING PUBLIC SCHOOL—CONDITIONS.

Tallahassee, Fla., Nov. 16, 1914.

Dear Terrell:—

Yours of the 13th inst. has been received.

I note your inquiry, as follows:

“Can any Board of Public Instruction in this State make and enforce a regulation that would debar a child between the ages of 6 and 21 from participating in the benefits of the public school fund?”

Ordinarily I would say that the Board of Public Instruction of a county has no power to exclude from the public schools a child residing in the county between the ages of six and twenty-one years. It may be that there are exceptions to this rule. For instance, suppose a child was suffering from an infectious or contagious disease, such as smallpox, the Board would perhaps be warranted in excluding such child from attendance upon the public schools of the county.

You will understand that this is not official, and is written only after a hurried consideration of the matter.

With kind personal regards, I am,

Yours very truly,

T. F. WEST,

Attorney General.

LAWFUL FIRE ESCAPE FOR HOTELS.

Tallahassee, Fla., Nov. 17, 1914.

My Dear Sir:—

Yours of the 11th inst. has been received and noted.

My view is that a fire escape, in contemplation of the

statute on the subject, in order to be complete, should provide a means of reaching the ground from the balcony at the second floor of all buildings upon which fire escapes are required to be placed. It seems to me as a practical matter that a fire escape should not only provide balconies at each floor, but should provide a means for reaching the ground from the balcony at the second floor, and the Hotel Commissioner, in my opinion, is correct in so holding. The statute provides penalties for failure to comply with its provisions, and I assume that the County Solicitor will look after its enforcement.

Yours very truly,

T. F. WEST,

Attorney General.

HUNTER'S LICENSE—FEE FOR ISSUING.

Tallahassee, Fla., Nov. 19, 1914.

Dear Judge:—

Yours of the 17th inst. has been received and noted.

By reference to Section 29 of Chapter 6535, Acts of 1913, Laws of Florida, you will see that the County Judges are authorized to retain from the moneys received for each hunter's license the sum of twenty-five cents,

“which shall cover the swearing of the applicant to the affidavit referred to in this chapter and all other services under this chapter.”

It appears from this quotation that an applicant is entitled to his license, provided he is otherwise qualified, if he appears at the office of the County Judge, takes the affidavit before the County Judge, and pays the fee required, and that there is no authority for charging him

an extra twenty-five cents for making the affidavit before a Notary Public or other officer.

Yours very truly,

T. F. WEST,
Attorney General.

OPENING GENERAL STORE AND SALES OF MER-
CHANDISE ON SUNDAY UNLAWFUL.

Tallahassee, Fla., November 20, 1914.

My Dear Sir:—

Yours of the 18th inst. has been received.

I note your inquiry, as follows:

“Please inform me as to what the law is in regard to having open a general store and selling goods on Sunday.”

The law on the subject is Section 3566 of the General Statutes, as follows:

“Whoever keeps open store or disposes of any wares, merchandise, goods or chattels on Sunday, or sells or bar-
ters the same shall be punished by a fine not exceeding fifty dollars. In cases of emergency or necessity, how-
ever, merchants, shopkeepers and others may dispose of the comforts and necessities of life to customers without keeping open doors.”

If you will call upon your sheriff and County Judge they will advise you as to the proper course to pursue in reference to the enforcement of this statute.

Yours very truly,

T. F. WEST,
Attorney General.

NO AUTHORITY TO OPEN REGISTRATION BOOKS
FOR LOCAL OPTION ELECTION.

Tallahassee, Fla., Nov. 27, 1914.

My Dear Sir:—

Yours of the 25th inst. has been received.

I note your inquiry, as follows:

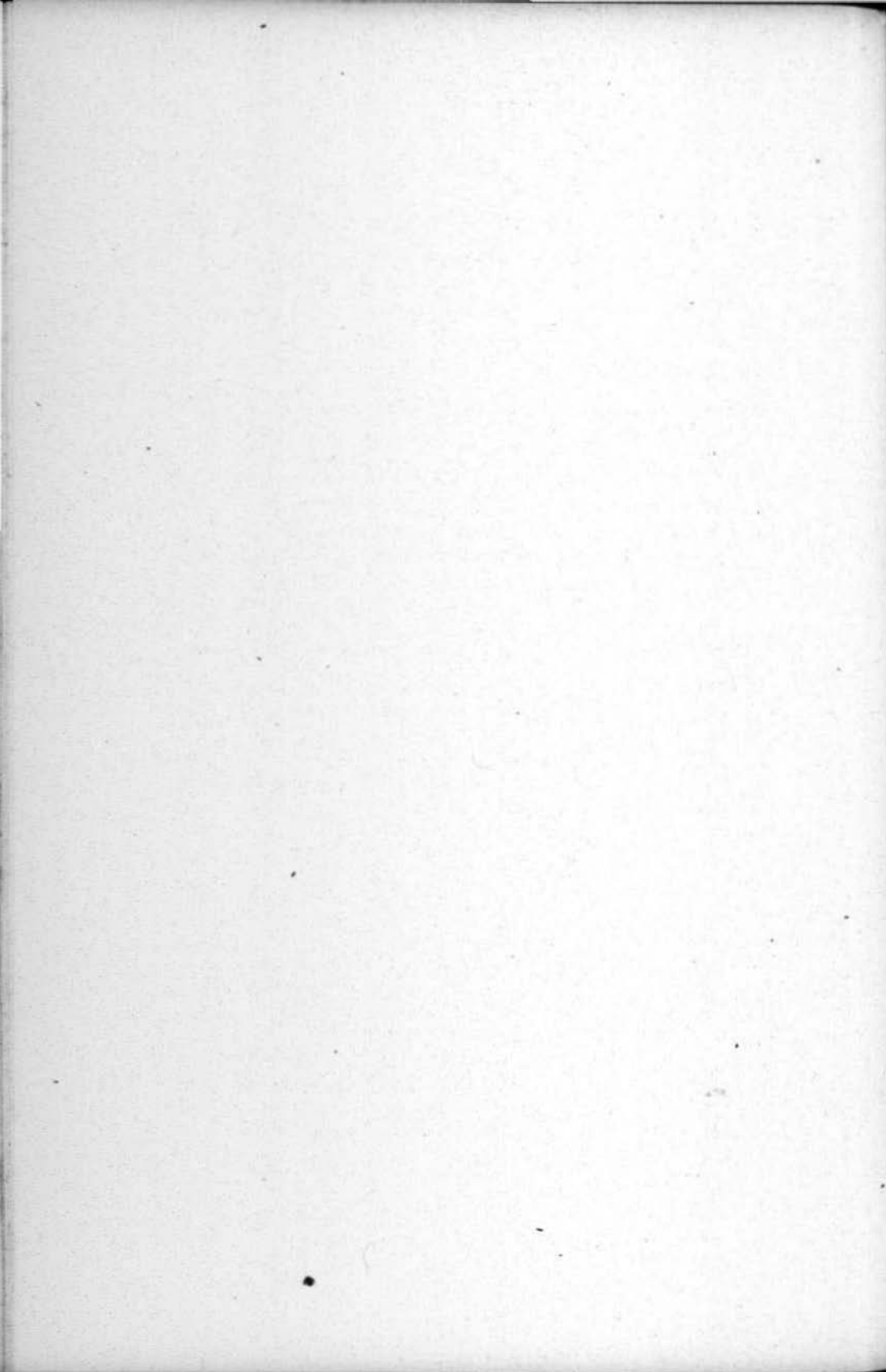
"There is some talk of a call election to vote on a wet and dry election. I have been asked if the registration would be opened for that election. I cannot find any law in the general or primary book I have to that effect. Please advise in regard to opening the books, and oblige."

There is no statutory authority for opening the registration books before a local option election is held in a county.

Yours very truly,

T. F. WEST,

Attorney General.



REPORTS OF STATE ATTORNEYS.

The following pages contain an assembled tabulated statement of the reports of the disposition of all criminal cases furnished by the State Attorneys, arranged in order by counties with the crimes enumerated alphabetically.

Reports were received from all circuits except the Second and the Sixth Judicial Circuits.

CIRCUIT COURT ALACHUA COUNTY—SPECIAL SPRING AND FALL TERMS, 1914.
A. V. Long, State Attorney

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO												
								Acquittals.	Nolle Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Aggravated Assault	3	...	2	...	...	1	2	...	...	1	...	...	...	...	...	2	...	...	...	...
Assault to Murder.....	8	...	...	...	8	...	4	1	1	...	...	4	...	...	...	...	...	...	2	...
Breaking and Entering.....	11	2	...	...	13	...	12	1	...	...	...	10	...	1	...	...	...	1	...	...
Conveying Tools into County Jail....	3	...	...	...	1	2	3	...	...	...	...	1	...	...	...	...	...	2	...	...
Desertion of Wife.....	2	...	2	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...
Embezzlement	1	...	1	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...
Forgery	6	...	2	1	3	...	2	...	1	3	...	2	3	...	2	...	...	...	...	...
Larceny	5	...	3	...	1	1	...	...	3	2	...	...	...	...	...	...	...	...	...	...
Larceny of Animal.....	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Murder	10	...	6	...	4	...	8	1	...	1	...	8	...	...	...	...	...	...	...	...
Obstructing Railroad Track.....	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Totals	51	2	17	1	31	4	32	3	6	10	...	26	...	1	...	2	...	3	2	...

CIRCUIT COURT BAKER COUNTY—SPRING AND FALL TERMS, 1914.
A. V. Long, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions	SENTENCED TO												
								Acquittals.	Nol Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Aggravated Assault.....	4	...	4	...	...	...	1	...	...	3	...	...	...	...	...	1	...	...	...	...
Breaking and Entering.....	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...	1	...	...	...	...
Grand Larceny.....	2	...	2	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...
Murder	2	...	1	...	1	...	1	...	...	1	...	1	...	...	...	...	...	...	...	...
Totals	9	...	8	...	1	...	3	...	...	6	...	1	...	...	...	2	...	...	...	...

CIRCUIT COURT BRADFORD COUNTY—SPECIAL SPRING AND FALL TERM, 1914.
A. V. Long, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO												
								Acquittals.	Nol Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Aggravated Assault.....	3	...	2	...	1	...	2	1	...	...	...	...	...	...	...	1	...	1	...	...
Assault to Murder.....	6	...	2	...	4	...	1	...	2	3	...	1	...	...	...	...	...	...	...	...
Breaking and Entering.....	5	...	...	...	5	...	3	...	1	1	...	3	...	...	...	...	...	...	...	...
Carnal Intercourse with Female under 18 years.....	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Common Liquor Dealer.....	1	...	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Desertion of Wife.....	2	...	1	...	1	...	1	...	...	1	...	...	...	...	...	1	...	...	...	...
Embezzlement	3	...	3	...	...	...	1	...	...	2	...	1	...	...	...	...	...	...	...	...
Entering Without Breaking.....	2	...	...	...	2	...	2	...	...	...	...	2	...	...	...	...	...	...	...	...
False Pretenses	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Forgery	2	...	...	...	2	...	1	...	...	1	...	...	...	...	...	...	...	1	...	...
Grand Larceny	1	...	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Imputing to Female Want of Chastity.	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Manslaughter	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Murder	5	...	1	...	4	...	2	1	...	2	1	1	...	...	...	...	...	...	...	...
Obtaining Money under False Pretenses	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Totals	35	...	13	...	22	...	15	3	4	13	1	10	...	...	...	2	...	2	...	...

CIRCUIT COURT BAY COUNTY—SPRING AND FALL TERMS, 1914.
R. H. Buford, State Attorney.

18—At-Gen.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO													
								Acquittals.	Nol Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.	
Aggravated Assault	6	...	4	...	...	2	5	1	...	...	...	...	1	...	...	...	3	...	1	...	...
Assault to Murder.....	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Assault to Rape.....	1	...	...	...	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Breaking and Entering.....	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	1	...	...
Changing Mark of Hog.....	1	...	1	...	...	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Contempt	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Embezzlement	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Gambling	4	...	4	...	...	...	4	...	...	...	...	...	...	...	...	...	4	...	...	...	...
Keeping House of Ill Fame.....	1	...	1	...	...	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Larceny of Steer.....	2	...	2	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...
Manslaughter	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Murder	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Open Adultery	2	...	1	...	1	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...
Perjury	3	...	...	...	3	...	1	...	2	...	...	1	...	...	...	...	...	...	...	...	...
Rape	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Receiving Stolen Property.....	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...
Violating Election Law.....	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Totals	29	...	20	...	7	2	15	2	2	10	...	4	2	...	...	...	7	...	2	...	...

CIRCUIT COURT BREVARD COUNTY—SPRING AND FALL TERMS, 1914.
Cary D. Landis, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO														
								Acquittals.	Nol Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.		
Aiding in Attempt to Escape.....	1	...	...	...	...	1	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Aggravated Assault	1	...	...	...	1	...	1	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...
Assault to Murder.....	1	...	...	...	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Attempt to Escape.....	2	...	...	...	2	...	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...
Breaking and Entering.....	1	1	2	...	...	...	1	...	1	...	...	...	...	...	...	...	...	1	...	...	...	...
Forgery	1	...	...	...	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Grand Larceny	1	...	...	...	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Illegal Fishing	1	...	1	...	...	...	1	...	...	...	...	...	1	...	...	...	1	...	...	...	...	...
Larceny of Animal.....	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Murder	1	...	...	...	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Rape	1	...	...	...	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Resisting Officer	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Selling Liquor, Second Offense.....	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Uttering Forged Check.....	1	...	...	...	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Wantonly Injuring Dwelling House...	1	2	3	...	...	...	3	...	...	...	...	...	...	1	...	...	3	...	...	...	...	...
Totals	16	3	7	...	11	1	16	...	2	1	2	3	5	...	...	5	...	1	...	...	...	...

CIRCUIT COURT CALHOUN COUNTY—SPRING AND FALL TERMS, 1914.
R. H. Buford, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO													
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreatd.	
Assault to Commit Incest.....	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Assault to Commit Murder.....	1	...	8	...	8	...	4	1	3	8	...	1	...	...	...	...	3	...	...	...	...
Cow Stealing	3	...	3	...	...	...	...	...	1	2	...	...	...	...	...	...	...	...	...	...	...
Cow Stealing, Second Offense.....	1	...	1	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...
Disposing of Mortgaged Property.....	3	...	3	...	...	...	...	...	1	2	...	...	...	...	...	...	...	...	...	...	...
Embezzlement	2	...	2	...	...	...	...	...	2	2	...	...	...	...	...	...	...	...	...	...	...
False Pretences	2	...	1	...	1	...	...	...	2	2	...	...	...	...	...	...	...	...	...	...	...
Forgery	1	...	1	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...
Living in Open Adultery.....	2	...	1	1	...	...	...	...	2	2	...	...	...	...	...	...	...	...	...	...	...
Murder	12	...	5	1	5	1	11	...	1	2	9	...	...	...	...	...	...	...	...	...	1
Perjury	2	...	2	...	...	...	...	1	1	1	...	...	...	...	...	...	...	...	...	...	...
Shooting into Dwelling.....	1	...	...	...	1	...	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Totals	45	...	28	2	15	1	16	2	6	22	3	10	...	...	...	3	...	...	...	...	1

CIRCUIT COURT CITRUS COUNTY—SPRING AND FALL TERMS, 1914.
George W. Schofield, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO													
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.	
Adultery	2	...	...	...	1	1	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...
Aggravated Assault	1	...	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...
Assault to Murder.....	1	...	...	...	1	...	1	...	...	...	...	...	...	...	...	1	...	...	...	...	...
Breaking and Entering.....	1	...	...	...	9	...	6	2	1	...	...	5	...	...	...	...	...	1	...	...	...
Embezzlement	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Forgery	4	...	...	...	4	...	1	2	...	1	...	...	1	...	...	...	...	...	...	...	...
Grand Larceny	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Impersonating Officer	2	...	2	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...
Murder	2	...	...	...	1	1	2	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Robbery	1	...	...	...	1	...	1	...	...	...	...	2	...	...	...	...	...	...	...	...	...
Uttering Forgery	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Totals	25	...	3	...	19	3	12	7	1	5	...	9	1	...	...	1	...	1	...	...	...

CIRCUIT COURT CLAY COUNTY—SPRING TERM, 1914.

Wm. A. Hallows, Jr., State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO												
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Aggravated Assault	1	...	1	...	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...
Assault to Murder	2	...	...	...	2	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...
Criminal Trespass	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Grand Larceny	4	...	2	...	...	2	3	...	...	1	...	1	1	...	...	...	...	1	...	...
Murder	5	...	...	...	5	...	...	...	...	5	...	...	...	...	...	...	...	...	...	...
Totals	13	...	4	...	7	2	3	...	2	8	...	1	1	...	...	...	...	1	...	...

CIRCUIT COURT COLUMBIA COUNTY—SPRING TERM, 1914.
Stafford Caldwell, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO														
								Acquittals.	Nol Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.		
Aggravated Assault	2	...	...	...	2	...	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...
Assault to Murder.....	2	...	...	...	1	1	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...
Bigamy	1	...	1	...	...	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Carnal Intercourse with Unmarried Female under 18 years.....	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Compounding a Crime.....	2	...	...	...	2	...	...	...	2	...	...	...	1	...	...	...	...	...	...	...	...	...
*Estreated Bond	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2
Grand Larceny	3	...	...	...	3	...	...	...	3	...	...	...	...	...	...	...	...	...	...	...	...	...
Issuing Worthless Check.....	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...
Totals	14	...	4	...	9	1	3	...	9	...	...	2	...	...	...	1	...	...	...	...	...	2

*Forfeiture Vacated.

CIRCUIT COURT DADE COUNTY—WINTER TERM, 1914.

John C. Gramling, State Attorney.

NATURE OF OFFENSE.	SENTENCED TO																			
	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	Acquittals.	Nol Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Murder	3	...	1	...	2	...	2	...	...	1	1	1	...	...	...	...	...	...	...	...
Rape	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...
Totals	4	...	2	...	2	...	2	...	...	1	1	1	...	...	...	...	...	...	1	...

CIRCUIT COURT DESOTO COUNTY—SPRING AND FALL TERMS, 1914.
John B. Singletary, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO												
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Aggravated Assault	6	...	4	...	2	...	3	...	...	3	...	...	2	...	1	...	...	...	...	...
Altering Court Record.....	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Altering Mark of Hog	2	...	2	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Assault to Murder	11	...	7	...	4	...	5	...	1	5	...	2	2	...	1	...	...	...	...	...
Attempt to Break and Enter.....	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Attempt to obtain property by false pretences	1	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...	...	1	...	...
Bigamy	3	...	1	...	1	1	2	...	...	1	...	...	2	...	...	...	...	...	...	1
Breaking and Entering	10	2	10	1	1	...	6	3	...	3	...	4	...	...	...	...	...	2	...	...
Carnal Intercourse With Unmarried Female Under 18	3	...	3	...	...	...	...	...	...	3	...	...	...	...	...	...	...	...	...	...
Desertion of Wife and Child.....	3	...	3	...	...	...	...	...	...	3	...	...	...	...	...	...	...	...	...	...
Embezzlement	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Forgery	...	1	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	1	...	...
Grand Larceny	2	...	2	...	...	...	1	...	...	1	...	1	...	...	...	...	...	...	...	...
Issuing Worthless Check.....	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Killing Animal	3	...	3	...	...	...	...	...	...	3	...	...	...	...	...	...	...	...	...	...
Larceny of Domestic Animal.....	5	...	4	...	1	...	4	...	...	1	...	4	...	...	...	...	...	...	...	...
Larceny of Hog.....	2	...	2	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...
Lewd and Lascevious Cohabitation...	2	...	...	...	1	1	2	...	...	...	...	...	...	...	...	...	...	...	...	...
Malfeasance in Office	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Marking Unmarked Hog.....	3	...	3	...	...	...	...	...	3	...	...	...	...	...	...	...	...	...	...	...
Murder	6	...	3	...	1	2	3	...	...	3	...	3	...	...	...	...	...	...	...	...
Perjury	4	...	4	...	...	...	...	...	2	2	...	...	...	...	...	...	...	...	...	...
Resisting Officer	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Selling Liquor 2nd Offence.....	2	...	...	1	1	...	2	...	...	...	...	2	...	...	...	...	...	...	...	...
Uttering Forged Instrument.....	4	...	4	...	...	...	3	...	...	1	...	3	...	...	...	...	...	...	...	...
Totals	78	3	61	2	14	4	32	9	8	32	...	20	6	...	2	...	...	4	...	1

CIRCUIT COURT DUVAL COUNTY—SPRING TERM, 1914.

Wm. H. Hallows, Jr., State Attorney.

NATURE OF OFFENSE.								SENTENCED TO												
	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	Acquittals.	Not Prossed.	Continued	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum	Bond Fstrated.
Murder	10	...	2	1	6	1	2	...	...	7	...	...	...	...	...	...	...	...	1	...
Rape	1	...	1	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...
Totals	11	...	3	1	6	1	2	...	1	7	...	...	...	...	...	...	...	...	1	...

CIRCUIT COURT HAMILTON COUNTY—SPRING TERM, 1914.
Stafford Caldwell, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO												
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Aggravated Assault	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Breaking and Entering.....	9	2	10	...	1	...	3	...	8	...	...	3	...	...	...	...	...	...	...	...
Common Liquor Dealer.....	2	...	...	...	2	...	2	...	...	...	...	1	...	...	...	1	...	...	...	...
Grand Larceny	12	...	12	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Receiving Stolen Property.....	4	...	4	...	...	...	...	1	3	...	...	...	...	...	...	...	...	...	...	...
Totals	18	2	17	...	3	...	5	4	11	...	...	4	...	...	...	1	...	...	...	...

CIRCUIT COURT HERNANDO COUNTY—SPRING AND FALL TERM, 1914.
Geo. W. Scofield, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO														
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated		
Aggravated Assault	2	...	1	...	...	1	1	...	...	1	...	...	...	...	...	1	...	...	...	...	...	...
Assault to Murder	4	...	...	...	4	...	1	...	...	3	...	1	...	...	...	...	...	...	...	...	...	...
Attempt at Arson	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Breaking and Entering.....	2	...	1	...	1	...	1	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Forgery	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Grand Larceny	4	...	3	...	1	...	2	2	...	...	...	2	...	...	...	...	...	...	...	...	...	...
Murder	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Resisting Officer	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Totals	16	...	6	...	9	1	6	4	...	6	...	5	...	...	...	1	...	...	...	...	...	...

CIRCUIT COURT HOLMES COUNTY—SPRING AND FALL TERMS, 1914
R. H. Fuford, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO												
								Acquittals.	Nol Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Aggravated Assault	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...	1	...	...	...	...
Assault to Murder.....	1	...	...	...	1	...	1	...	...	...	...	...	...	...	...	1	...	...	...	...
Bigamy	12	...	1	1	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...
Cow Stealing	2	...	2	...	...	...	1	...	...	1	...	1	...	...	...	...	...	...	...	...
Cruelty to Animals.....	2	...	2	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...
Desertion of Wife.....	3	...	3	...	...	...	1	...	...	2	...	...	...	...	...	...	...	1	...	...
Larceny	2	...	2	...	...	...	2	...	...	...	...	...	2	...	...	...	...	...	...	...
Murder	10	...	6	...	4	...	4	3	1	2	...	3	...	...	...	...	...	1	...	...
Perjury	1	...	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Rape	3	...	3	...	...	...	1	1	...	1	...	...	...	...	...	1	...	...	...	...
Shooting into Dwelling.....	8	...	8	...	...	...	8	...	...	...	...	8	...	...	...	...	...	...	...	...
Totals	35	...	29	1	5	...	20	4	7	9	...	13	2	...	...	3	...	2	...	...

CIRCUIT COURT JACKSON COUNTY—SPRING TERM, 1914.

R. H. Buford, State Attorney.

NATURE OF OFFENSE.	Minors.	Adults.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO												
								Acquittals.	Nol prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Aggravated Assault	1	1	1					1												
Arson	1	1	1							1										
Assault to Murder.....	1	1	1							1										
Breaking and Entering.....	2	1	1		1		1	1				1								
Conspiracy	1	1	1							1										
Disposing of Mortgaged Property....	2		2				1				1		1			1				
Embezzlement	7	7	7				4	1		2		1	1					2		
False Pretenses	1	1	1							1										
Incest	2				1	1	2					2								
Larceny of Ox.....	1				1		1					1								
Murder	1	1	1					1												
Obstructing Officer	2	2	2					1		1										
*Selling Liquor	2	1	1		1															
†Selling Liquor, 2nd Offense.....	1				1			1												
Totals	25	19	19		5	1	9	6	1	7		5	2					2		

*Writ of error from Municipal Court. Affirmed.

†Writ of error from County Judge's Court. Reversed.

CIRCUIT COURT LA FAYETTE COUNTY—SPRING TERM, 1914.
Stafford Caldwell, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO														
								Acquittals.	Nolle Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.		
Murder	1	...	...	...	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...

CIRCUIT COURT LAKE COUNTY—SPRING AND FALL TERMS, 1914.
Geo. W. Schofield, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions	SENTENCED TO												
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Aggravated Assault	4	...	...	...	3	1	3	...	...	1	...	...	2	...	...	1	...	...	...	...
Assault to Murder.....	1	...	1	2	...	...	...	2	...	...	...	1	...	...	...	1	...	...	...	...
Assault to Rob.....	1	...	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Breaking and Entering.....	5	1	...	...	6	...	5	...	...	1	...	5	...	...	...	...	...	...	...	...
Carnal Intercourse with Unmarried Female	1	...	...	...	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Entering without Breaking.....	...	1	...	...	1	...	1	...	...	...	...	...	...	...	...	...	...	1	...	...
Forgery	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	1	...	...
Grand Larceny	4	...	2	...	2	...	3	...	...	1	...	2	...	...	...	...	...	1	...	...
Manslaughter	3	...	...	...	3	...	3	...	...	...	...	3	...	...	...	...	...	...	...	...
Murder	4	...	1	...	2	1	3	1	...	...	...	3	...	...	...	...	...	...	...	...
Receivng Stolen Goods.....	2	1	...	...	...	3	...	...	3	...	...	...	...	...	...	...	...	...	...	...
Selling Liquor	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Totals	27	4	6	...	20	5	21	2	4	4	...	14	2	...	...	2	...	3	...	...

CIRCUIT COURT LEE COUNTY—SPRING AND FALL TERMS, 1914.
John B. Singeltary, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO												
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Aggravated Assault	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	1	...	...
Assault to Murder.....	9	...	2	...	6	1	5	2	2	...	...	2	1	...	...	...	...	2	...	...
Attempt to Break and Enter.....	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Bigamy	3	...	2	...	1	...	...	...	1	2	...	...	...	...	...	...	...	...	...	...
Breaking and Entering.....	2	...	...	...	2	...	1	...	...	1	...	1	...	...	...	...	...	...	...	...
Cutting Fence	10	...	10	...	...	...	...	...	1	9	...	...	...	...	...	...	...	...	...	...
Embezzlement	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Entering without Breaking.....	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Inciting to Commit Perjury.....	2	...	2	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...
Issuing Worthless Check.....	2	...	2	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...
Keeping Gambling House.....	2	...	2	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...
Keeping House of Ill Fame.....	2	...	...	...	1	1	...	...	...	2	...	...	...	...	...	...	...	...	...	...
Larceny	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Larceny of Domestic Animal.....	5	...	5	...	...	...	...	1	2	2	...	...	...	...	...	...	...	...	...	...
Murder	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Obtaining Check by False Pretenses..	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Permitting Gambling in Room.....	1	...	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Robbery	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Selling Liquor 2nd Offence.....	1	...	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Soliciting Orders for Liquor.....	2	...	2	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...
Uttering Forged Inst.....	4	...	1	...	3	...	4	...	...	...	...	...	2	2	...	...	...	...	...	...
Total	53	...	34	...	17	2	16	4	6	27	...	10	3	...	...	...	...	3	...	...

CIRCUIT COURT LEVY COUNTY—SPRING AND FALL TERMS, 1914.

A. V. Long, State Attorney.

19—At. Gen.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO												
								Acquittals.	Nol Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Aggravated Assault	2	..	..	..	1	1	2	..	..	1	..	..	..	..	2	..	..	..	..	1
Arson	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Breaking and Entering	2	..	..	..	2	..	2	..	..	..	..	2	..	..	..	..	..	..	..	..
*Concealed Weapons	1	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Desertion of Wife	1	..	1	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..
Entering Without Breaking	1	..	..	..	1	..	1	..	..	..	..	1	..	..	..	..	..	..	..	..
Grand Larceny	1	..	..	..	1	..	1	..	..	..	..	1	..	..	..	..	..	..	..	..
Issuing Worthless Check	1	..	1	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..
†Larceny	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Murder	4	..	2	..	1	1	..	1	..	3	..	..	..	..	..	..	..	..	..	..
Shooting Into Dwelling	1	..	..	..	1	..	1	..	..	..	..	1	..	..	..	..	..	..	..	..
Totals	16	..	6	..	8	2	7	1	..	6	..	5	..	..	2	..	..	..	..	1

*Appealed from County Judges Court—Judgment Reversed.

†Appealed from County Judges Court—Dismissed on Payment of Costs.

CIRCUIT COURT MANATEE COUNTY—SPRING AND FALL TERMS 1914.
John B. Singletary and John W. Burton, State Attorneys.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO													
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.	
Adultery	2	...	...	...	1	1	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...
Assault to Murder.....	18	...	11	...	5	2	3	2	...	13	...	3	...	...	...	...	...	...	...	...	...
Bigamy	12	...	2	...	...	...	1	...	...	1	...	...	...	...	...	1	...	...	...	...	...
Breaking and Entering.....	2	...	...	...	2	...	2	...	...	1	...	2	...	...	...	...	...	...	...	...	...
Desertion of Wife	5	...	5	...	...	...	2	2	...	2	...	...	...	...	...	...	...	...	2	...	...
Embezzlement	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	1	...	...	...
False Pretenses	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Felonious Assault	2	...	...	...	2	...	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...
Forgery	4	...	3	...	1	...	...	...	1	3	...	...	1	...	...	...	...	...	...	...	...
Grand Larceny	4	...	1	...	3	...	3	...	...	1	...	3	...	...	...	...	...	...	...	...	...
Highway Robbery	1	...	...	...	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...
Manslaughter	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...
Murder	7	...	...	...	7	...	...	1	1	5	...	...	...	...	...	...	...	...	...	...	...
Obtaining Money by False Pretenses..	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Resisting Officer	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...
Robbery	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Selling Liquor 2nd Offence	2	...	...	...	2	...	1	1	...	...	...	1	...	...	...	...	...	...	...	...	...
Totals	55	...	26	...	26	3	14	6	6	29	...	9	1	...	...	1	...	3	...	...	...

CIRCUIT COURT MONROE COUNTY—WINTER TERM 1914.

John C. Gramling, State Attorney.

NATURE OF OFFENSE.	SENTENCED TO																			
	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Murder	1	...	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...

CIRCUIT COURT NASSAU COUNTY—SPRING TERM 1914.

W. A. Hallows, Jr., State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO													
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.	
Assault to Murder	3	..	1	..	..	2	1	..	..	2	..	1	..	..	..	..	..	..	..	..	..
Entering Without Breaking	1	..	1	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..
Keeping House of Ill Fame	3	..	..	3	..	..	..	..	..	3	..	..	..	..	..	..	..	..	..	..	..
Murder	1	..	..	..	1	..	1	..	..	..	..	1	..	..	..	..	..	..	..	..	..
Totals	7	..	2	3	1	2	2	..	..	6	..	2	..	..	..	..	..	..	..	..	..

CIRCUIT COURT OSCEOLA COUNTY—SPRING TERM 1914.

Cary D. Landis, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO														
								Acquittals.	Not Pleased.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.		
Altering Mark and Brand.....	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Assault to Murder.....	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Breaking and Entering.....	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...
Cutting Fence	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Driving Cow from Range More Than 10 Miles	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Enticing Girl Under 16 from Parents for Purpose of Clandestine Marriage	...	1	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Issuing Fraudulent Check.....	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Larceny of Animal.....	2	...	1	...	1	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...
Totals	8	1	8	...	1	...	1	2	2	4	...	1	...	...	...	...	...	...	...	...	...	...

CIRCUIT COURT OSCEOLA COUNTY—FALL TERM, 1914.
Joseph H. Jones, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO														
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.		
Assault to Murder.....	2	...	1	...	1	...	1	...	...	1	...	...	1	...	1	...	...	...	...	...	...	...
Breaking and Entering.....	1	...	...	...	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Embezzlement	3	...	3	...	...	...	1	...	...	2	...	...	1	...	...	...	...	...	...	...	...	...
Entering Without Breaking.....	1	...	1	...	...	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Larceny of Animal.....	2	...	2	...	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Murder	1	...	...	...	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Selling Liquor (Appeal).....	1	...	...	...	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Shooting Into Dwelling.....	4	...	4	...	...	...	4	...	...	...	...	...	...	...	1	...	...	4	...	...	...	...
Totals	15	...	11	...	4	...	10	1	...	4	...	4	2	...	...	...	4	...	...	...	...	...

CIRCUIT COURT PALM BEACH COUNTY—SPECIAL TERMS, MARCH AND JUNE, AND FALL TERM, 1914.
(John C. Gramling, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO											
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.
Aggravated Assault	3	...	...	...	3	...	3	...	...	...	...	1	...	...	2	1	...	...	...
Assault to Rob	1	...	...	...	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...
Attempt to Rape	2	...	...	...	2	...	...	...	2	...	...	...	...	...	...	...	...	...	...
Breaking and Entering	3	...	...	...	3	...	3	...	...	...	2	...	...	...	1	...	...	...	...
Burglary	1	...	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Carnal Intercourse With Unmarried Female	1	...	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Entering Without Breaking	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...
Forgery	5	...	...	...	5	...	5	...	...	...	...	3	1	...	1	...	1	...	...
Forgery and Uttering Forgery	1	...	...	...	1	...	1	...	...	...	...	...	...	...	1	...	...	...	...
Grand Larceny	5	...	1	...	2	2	5	...	...	...	...	5	...	...	...	...	...	...	...
Lewd and Lascivious Behavior	2	...	...	...	1	1	...	...	2	...	...	...	...	...	...	...	...	...	...
Murder	2	...	...	...	2	...	2	...	...	...	1	1	...	...	...	...	...	...	...
Obstructing R. R. Track	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...
Unlawful Threats	...	1	1	...	...	...	1	...	...	...	...	...	...	...	...	...	1	...	...
Totals	28	1	2	...	24	3	23	...	2	4	1	14	2	...	1	4	2	1	...

CIRCUIT COURT POLK COUNTY—SPRING AND FALL TERMS, 1914.
John B. Singletary and John W. Burton, State Attorneys.

NATURE OF OFFENSE.	Adults.	Miners.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO												
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Assault to Murder	16	...	6	...	10	...	5	2	1	8	...	3	1	...	...	...	...	1	...	...
Breaking and Entering	5	...	1	...	4	...	2	...	...	3	...	2	...	...	...	...	...	...	...	...
Carnal Intercourse With Unmarried Female Under 18	1	...	...	...	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Desertion of Wife	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	1	...	...
Entering Without Breaking	2	...	1	...	1	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...
Enticing Female Away for Marriage..	2	...	2	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...
False Pretenses	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Forgery	1	...	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Grand Larceny	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Issuing Worthless Check	3	...	2	...	1	...	...	...	1	2	...	...	...	...	...	...	...	...	...	...
Larceny of Animal	10	...	10	...	...	...	...	5	...	5	...	...	...	...	...	...	...	...	...	1
Lewd and Lascivious Behavior.....	2	...	...	...	1	1	2	...	...	...	...	...	...	...	...	...	...	2	...	...
Murder	15	...	3	...	9	3	4	1	1	9	...	4	...	...	...	...	...	...	...	...
Rape	3	...	1	...	2	...	1	...	...	2	...	1	...	...	...	...	...	...	...	...
Receiving Stolen Property	2	...	...	...	2	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...
Resisting Officer	1	...	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Robbery	3	...	...	...	3	...	...	...	1	2	...	...	...	...	...	...	...	...	...	...
Selling Liquor 2nd Offence	1	...	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Uttering Forged Instrument	5	...	1	...	4	...	1	...	1	3	...	1	...	...	...	...	...	...	...	1
Withholding Means of Support.....	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Totals	76	...	32	...	40	4	19	10	7	40	...	14	1	...	...	...	...	4	...	2

CIRCUIT COURT PUTNAM COUNTY—SPRING AND FALL TERMS, 1914.
A. V. Long, State Attorney.

NATURE OF OFFENSE.	SENTENCED TO																			
	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	Acquittals.	Nol Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Aggravated Assault	12	...	...	...	12	...	12	...	...	...	...	...	1	...	...	1	...	...	...	...
Assault to Murder.....	5	...	...	...	5	2	5	...	2	...	...	5	1	...	...	...	...	...	...	...
Assault to Rape.....	12	...	...	...	12	...	12	...	...	...	...	12	...	...	...	...	...	...	...	...
Breaking and Entering.....	6	...	...	...	6	...	5	...	1	...	...	5	...	...	...	...	...	...	...	...
Carnal Intercourse with Unmarried Female Under 18.....	2	...	1	...	1	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...
Common Liquor Dealer.....	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Entering Without Breaking.....	...	3	...	...	3	...	2	1	...	...	...	...	...	2	...	...	...	...	...	...
Forgery	12	...	2	...	...	...	1	...	...	1	...	1	...	...	...	...	...	...	...	...
Grand Larceny	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Larceny	12	...	...	...	2	...	1	...	1	...	...	...	...	...	...	1	...	...	...	...
Murder	2	...	...	...	2	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...
Receiving Stolen Property.....	1	...	...	...	1	...	1	...	...	...	...	...	...	...	...	1	...	...	...	...
Totals	29	3	5	...	25	2	20	2	7	3	...	13	2	2	...	3	...	...	...	...

CIRCUIT COURT SANTA ROSA COUNTY—SPRING AND FALL TERMS, 1914.
John P. Stokes, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO														
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.		
Affray	5	..	2	..	3	..	3	..	2	..	..	..	..	3	..	..	..	..	..	..	..	..
Assault to Murder.....	4	..	..	..	4	..	4	..	..	..	..	3	..	1	1	..	..	..	..	..	..	..
Bigamy	1	..	..	..	1	..	1	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..
Breaking and Entering.....	1	..	..	..	1	..	1	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..
Grand Larceny	1	..	1	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..
Murder	1	..	..	..	..	1	1	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..
Totals	13	...	3	...	9	1	10	...	3	...	...	6	...	4	1	...	...	...	...	...	...	...

CIRCUIT COURT SEMINOLE COUNTY—SPRING TERM, 1914.
Cary D. Landis, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO												
								Acquittals.	Nol Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Assault With Deadly Weapon.....	1	...	...	...	1	...	1	...	...	...	...	...	...	...	...	1	...	...	...	...
Bigamy	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	1	...	...
Breaking and Entering.....	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Murder	3	...	...	...	3	...	2	...	...	1	...	2	...	...	...	...	...	...	...	...
Uttering Forgery	1	...	...	...	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...
Totals	7	...	1	...	6	...	6	...	...	1	...	3	1	...	...	1	...	1	...	...

CIRCUIT COURT ST. JOHNS COUNTY—SPRING TERM, 1914.
W. A. Hallows, Jr., State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO													
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.	
Adultery	2	...	1	1	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Aggravated Assault	3	...	1	...	...	2	...	...	...	3	...	...	...	...	...	...	...	...	...	...	...
Assault to Murder.....	7	...	...	...	6	1	3	3	...	1	...	...	2	...	...	1	...	...	...	...	...
Bigamous Cohabitation	1	...	...	...	1	...	1	...	...	...	...	...	...	...	1	...	...	...	...	...	...
Breaking and Entering.....	8	5	7	1	4	1	8	3	2	...	...	2	2	1	...	...	...	3	...	...	...
Carnal Intercourse With Unmarried Female Under 18 Years of Age.....	1	...	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Conspiracy	7	...	...	...	7	...	...	...	7	...	...	...	...	...	...	...	...	...	...	...	...
Destroying Personal Property.....	1	...	1	...	...	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Embezzlement	2	...	1	...	1	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...
Forgery and Uttering Forgery.....	2	...	...	...	2	...	2	...	...	...	...	1	1	...	...	...	...	...	...	...	...
Grand Larceny.....	6	3	6	...	3	...	8	...	1	...	...	4	1	...	...	...	...	3	...	...	...
Issuing Worthless Check.....	4	...	4	...	...	...	...	...	1	3	...	...	...	...	...	...	...	...	...	...	...
Keeping House of Ill Fame.....	2	...	...	2	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Murder	3	...	...	...	3	...	2	...	...	1	...	2	...	...	...	...	...	...	...	...	...
Second Larceny	1	...	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Selling Intoxicating Liquor to Minor.	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...
Totals	51	8	24	4	27	4	27	7	9	16	...	11	7	1	...	2	...	6	...	...	...

CIRCUIT COURT ST. LUCIE COUNTY—SPRING AND FALL TERMS, 1914.
Cary D. Landis, State Attorney.

NATURE OF OFFENSE.	Minors.	Adults.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO												
								Acquittals.	Not P'essed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Assault to Murder.....	5	...	2	...	2	1	4	...	...	1	...	3	...	...	...	1	...	...	...	...
Grand Larceny	3	...	1	2	...	...	...	...	2	1	...	...	...	...	...	...	...	...	...	...
Petty Larceny	1	...	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Selling Liquor 2nd Offence.....	2	...	...	...	2	...	2	...	...	...	...	2	...	...	...	...	...	...	...	...
Uttering Forgery	2	...	1	...	1	...	1	...	...	1	...	1	...	...	...	...	...	...	...	...
Totals	13	...	4	2	6	1	7	...	3	3	...	6	...	...	...	1	...	...	...	...

CIRCUIT COURT SUMTER COUNTY—SPRING AND FALL TERMS, 1914.
Geo. W. Scofield, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO														
								Acquittals.	Nolle Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.		
Arson	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Aggravated Assault	2	...	...	...	2	...	2	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...
Breaking and Entering	2	1	1	...	2	...	3	...	...	...	...	3	...	...	...	...	...	...	...	...	...	...
Crime Against Nature	...	1	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...
Totals	5	2	2	...	5	...	6	...	1	...	...	5	1	...	...	...	...	...	...	...	...	...

CIRCUIT COURT SUWANNEE COUNTY—SPRING TERM, 1914.
Stafford Caldwell, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions	SENTENCED TO												
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estrated.
Attempt to Have Carnal Intercourse With Female Under 18.....	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Assault to Rape	1	...	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Bigamy	1	...	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Breaking and Entering	1	2	...	...	3	...	3	...	...	...	...	1	...	2	...	...	...	...	...	...
Enticing Female Away for Clandestine Marriage	1	...	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Forgery	1	...	...	...	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...
Grand Larceny	1	...	1	...	...	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...
Murder	1	...	...	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Selling Mortgaged Property.....	2	...	...	...	2	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...
Withholding Support From Wife....	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Totals	11	2	4	...	9	...	7	1	3	2	...	3	2	2	...	...	...	...	...	...

CIRCUIT COURT TAYLOR COUNTY—SPRING TERM, 1914.
Stafford Caldwell, Attorney General.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO														
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.		
Assault to Murder	1	..	..	..	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Larceny of Hogs 2nd Offence.....	2	..	2	..	..	..	2	..	..	..	..	..	..	..	..	..	2	..	..	..	..	..
Murder	2	..	..	..	..	2	1	1	..	..	..	..	..	..	..	..	1	..	..	..	..	..
Totals	5	..	2	..	1	2	3	2	..	..	..	..	..	..	..	..	3	..	..	..	..	..

CIRCUIT COURT VOLUSIA COUNTY—SPRING TERM, 1914.
Cary D. Landis, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO														
								Acquittals.	Nol Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.		
Murder	1	..	1	..	..	..	1	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..

CIRCUIT COURT VOLUSIA COUNTY—FALL TERM, 1914.

Joseph H. Jones, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO									
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.
Murder	3	...	...	...	3	...	3	...	...	...	1	1	...	...	...	...	...
Rape	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...
Totals	4	...	...	...	4	...	3	...	...	1	1	1	...	...	...	...	...

CIRCUIT COURT WALTON COUNTY—SPRING AND FALL TERMS, 1914.

John P. Stokes, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO												
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated.
Affray	4	...	2	...	2	...	2	...	...	2	...	...	...	2	...	...	...	...	...	...
Aggravated Assault.....	1	1	1	...	1	...	1	...	...	1	...	...	...	1	...	...	1	...	...	...
Assault to Murder.....	6	1	2	...	5	...	6	...	1	...	...	2	1	...	2	...	12	...	...	...
Breaking and Entering.....	1	1	1	...	...	1	1	1	...	...	...	...	...	1	...	...	...	...	...	...
Cutting Wire Fence.....	3	...	2	...	1	...	2	1	...	...	...	...	...	...	2	...	1	...	...	...
Embezzlement	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Incest	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Killing Animal	2	...	2	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...
Larceny of Animal.....	2	...	...	...	2	...	2	...	...	...	...	1	1	...	...	...	...	...	...	...
Malicious Mischief	3	...	1	...	2	...	...	1	1	1	...	...	...	...	...	...	...	...	...	...
Murder	1	...	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Receiving Stolen Property	2	...	...	...	...	2	2	...	...	...	...	2	...	...	...	...	...	...	...	...
Totals	27	3	14	...	13	3	17	4	3	6	...	6	2	1	7	1	4	...	...	...

CIRCUIT COURT WASHINGTON COUNTY—SPRING AND FALL TERMS, 1914.
R. H. Buford, State Attorney.

NATURE OF OFFENSE.	Adults.	Minors.	White Males.	White Females.	Colored Males.	Colored Females.	Convictions.	SENTENCED TO													
								Acquittals.	Not Prossed.	Continued.	Death.	State Prison.	County Jail.	Reform School.	Fine.	Fine or Prison.	Fine Paid.	Suspended.	Insane Asylum.	Bond Estreated	
Assault to Murder.....	3	...	1	...	1	1	1	1	1	...	...	1	...	...	...	...	...	...	...	...	...
Bigamy	1	...	1	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Grand Larceny	3	...	2	...	...	1	1	...	...	2	...	1	...	...	...	...	...	...	...	...	...
Issuing Worthless Checks.....	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
Murder	7	...	2	...	5	...	3	4	...	...	1	2	...	...	...	...	...	...	...	...	...
Perjury	2	...	...	...	1	1	1	...	...	1	...	1	...	...	...	...	...	...	...	...	...
Rape	3	...	1	...	2	...	1	1	1	...	...	1	...	...	...	...	...	...	...	...	...
Shooting Into Dwelling.....	1	...	1	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Totals	21	...	9	...	9	3	8	6	2	5	1	7	...	...	...	...	...	...	...	...	...

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